

KANSAS - NEBRASKA CONTROVERSY

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# Abraham Lincoln's Political Career Through 1860

## Kansas-Nebraska Controversy

Excerpts from newspapers and other sources

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## ANOTHER NEBRASKA MEETING.

### 'Mr. Douglas' Bill Again Considered at the Tabernacle.

#### LETTER FROM N. BOWDITCH BLUNT.

Speeches of John P. Hale, Joseph Blunt, and others.

Sc., Sc., Sc.

At the Tabernacle, Broadway, last evening, a meeting was held in accordance with the following call:—

THE PEOPLE'S MEETING TO PROTEST AGAINST SLAVERY IN NEBRASKA.

The citizens of New York who are opposed to the violation of the Missouri compromise and the extension of slave territory, are invited to meet at the Tabernacle on Saturday evening, the 18th inst, to utter their stern protest against the threatened breach of faith, and their determined hostility to any encroachment by the slave power on the rights of free labor in the territory secured by that compact.

#### NAMES SIGNED TO THE ORIGINAL CALL.

Robert Smith.....	Boocutt.
Thomas Crane.....	Gran ts.
John M. Dodd.....	Builder.
Wm. R. Stewart.....	Builder.
Thomas Charlock.....	Lumber.
Isaac Fryer.....	Lime dealer.
James B. Ward.....	Mechanic.
James Harriot.....	Railroad.
James Robinson.....	Contractor.
Alexander Masteren.....	Stone-cutter.
Nathan Reah.....	Lime dealer.
John Taylor.....	Granite.
James Wotherspoon.....	Master manufacturer.
John A. Harriot.....	Builder.
Jacob W. Goodwin.....	House mover.
T. M. Jones.....	Granite.
John T. Conover.....	Builder.
George W. Ford.....	Builder.
Martin E. Thompson.....	Architect.
Samuel A. Warner.....	Architect.
John Blomell.....	Iron worker.
Isaac Lewis.....	Builder.
Robert Taylor.....	Plasterer.
Freeman Bloodgood.....	Builder.
John T. Seal.....	Builder.
Jacob C. Boger.....	Builder.
George F. Codington.....	Builder.
Thomas Chalmers.....	Builder.
Asa W. Fry.....	Builder.
A. A. Denman.....	Merchant.
J. E. Hoagland.....	Lime dealer.
B. F. Smith.....	Stone dealer.
Wm. Laimbur, Jr.....	Builder.
John Foster.....	Contractor.

At half-past seven o'clock fifteen hundred persons had assembled in the Tabernacle, and soon afterwards the meeting was called to order by Mr. McClay, who nominated JOSEPH P. SIMPSON to preside over the meeting, which nomination was ratified by the meeting. Mr. McClay then nominated the following named Vice Presidents and Secretaries, and the meeting accepted the list:—

PRESIDENT:  
JOSEPH P. SIMPSON.

Robert Smith,	Cyrus Curtis,
Horatio Allen,	H. M. Schaffelin,
J. I. Codington,	Robert Taylor,
A. A. Denman,	T. B. Stillman,
Wm. H. Webb,	Wm. Menzies,
Berj. F. Camp,	James Harper,
James Harriot,	Thomas McElrath,
James Wotherspoon,	George B. Hoos,
John B. Cornell,	John Anderson,
Robert M. Hoe,	Jacob Alms,
Thomas Charlock,	John H. Cornell,
Edmund Hurry,	Thomas Caruly,
Joseph Tucker,	James Stewart,
John S. Howell,	Joan Delamater,
Samuel A. Warner,	Thomas Addis Emmet.
Thomas Keoch,	

#### SECRETARIES:

Gustavus A. Conover,	Thomas Chalmers,
Peter Van Antwerp,	Rensselaer N. Havens.
Howard Potter,	

The CHAIRMAN came forward and said:—

Fellow citizens—I feel highly sensible of the honor you have conferred upon me in calling upon me to preside over this meeting. It is called as a meeting of the mechanics of New York, a body of men with whom I have been connected for the last half century. But it is not only a meeting of mechanics, but of American freemen, (applause) and to discuss a subject of the highest importance to us all. It is simply whether the country is to be given up to slavery, or whether freedom shall triumph. Thirty four years ago I attended a meeting of citizens, held in the Assembly Rooms of the City Hotel, where were met the best men in the city; and among them all there was but one voice and that was for freedom. (Cheers.) I trust that that sentiment will be echoed here. (Applause.) The question before us is one of great moment to mechanics. In my opinion the slave power has always been pulling down mechanics. I have always been jealous of the slave power, though never what is called an abolitionist. I have always been an anti-slavery man and an anti-slavery boy. (Applause.) My parents taught me. I do not intend to detain the

audience, but I must call the attention of the audience to one fact. The reputed author of the bill was once a mechanic. I have watched his career with interest, and I do that of all mechanics who study to qualify themselves for the highest positions in the land. Sometimes I approved of his courses, and sometimes I did not. I am now compelled to say that since he has sold himself to the slave power (applause) I withdraw that sympathy from him. It remains to be seen whether, on the sober second thought, he will redeem the false step he has taken, or whether we shall mourn him as one lost forever.

Mr. WHITEHEAD then read the following letter from N. Bowditch Blunt, Esq., prosecuting officer of the city and county of New York:—

N. B. BLUNT'S LETTER.

NEW YORK, Feb. 18, 1854.

GENTLEMEN:—I received and at the time intended personally to respond to your request, to address my fellow citizens this evening, upon the threatened violation of the Missouri compromise; but incessant engagement in a cause yet unfinished, leaves me no alternative but to present briefly my views in writing.

For a period of several years, I have felt constrained from a regard to my official position, entirely to abstain from any direct or public interference in political matters, and, if I deemed it the present a partisan meeting, I certainly should not now be seen deviating from that rule. Considering, however, the question now pending in Congress, and which has led to your assemblage, as far above all party considerations, regarding it as one of vital importance to the integrity of the Union, and more especially as involving not only a breach of plighted faith, but the welfare of our common country, I have not felt myself at liberty to withhold a public expression of my opinion.

Most of the actors in the eventful drama which led to the enactment of the so-called "Missouri compromise," have passed from the scene of their labors and their triumphs, "and the places which knew them once will know them no more forever." He whose name has been identified with that great measure, whose eloquent voice was so often raised to soothe the excited passions of heated partisans, whose last expiring energies were devoted to the hopeful effort to extinguish forever the fire of social and national discord which for a time threatened with destruction our political edifice, has been scarcely assigned to the tomb ere the torch of slavery has been again lighted and the worst passions of civil dissension again aroused. Deeply to be regretted as is the occasion of your assembling, our duty requires us to meet the emergency with calmness, but with firmness. For my part, I have been taught to revere the constitution of my country, to hold to its principles; and however much I regret the existence of any cause calculated to affect the feelings of any portion of our citizens, I have always felt my duty fairly and honestly to maintain its every provision. That constitution was in itself a compromise. A successful result of our revolutionary struggle had left for our fathers a still more difficult task to accomplish—the creation of a form of government binding alike themselves and their posterity. It was no easy task to ring together under one political system the stern descendants of the Puritan, the persecuted Huguenot, the placid Quaker, the zealous disciple of British supremacy, and the fiery Cavalier of the South.

But the task was accomplished. Its results are before the world in the present proud condition of the American Republic as a great and stupendous monument of civil and religious liberty. One of the principal acts preceding the adoption of the constitution was the settlement of the conflicting claims of the States to the unsettled lands alleged to be within the borders of different States, by a session on the part of a portion of the States; and the ordinance of 1787 for the grant of the territory north of the Ohio, formed part of the condition of those sessions.

It is the proud privilege of our own Empire State that she was the first to place her contribution upon this altar of the public weal.

As she entered State was admitted from the great North-western domain, it became obvious to the statesmen of that day that possession of the great extension of the Mississippi, and of its mouth, was indispensable to the development of the immense resources of the mighty West, and negotiations followed, resulting in the purchase of the French domain of Louisiana. It was known at this day that the constitutionality of that purchase was questioned by Jefferson, and that his final acquiescence was the result of the almost inevitable necessity of the purchase. Out of the acquisition of Louisiana, three States have already been formed, the first being Louisiana.

Upon the question of the admission of Missouri, a discussion arose which shook the Union to its centre. It terminated in the adoption of the compromise which declared that in all that territory ceded by France to the United States under the name of Louisiana, which lies north of the 36 deg. 30 min. north latitude, not included within the limits of the State contemplated by the act, slavery and involuntary servitude, otherwise than in the punishment of crime whereof the parties shall have been duly convicted, shall be and is hereby forever prohibited.

For a period of thirty-four years that measure has remained undisturbed amid all the conflicts of party, and a provision which two States have been admitted—Missouri and Arkansas—with recognition of the right of involuntary servitude within their borders. It has been left for the present day and generation to proclaim this measure unconstitutional, and to stultify, or worse, to charge with intentional violation of the spirit of the constitution the pure and gifted men of that day whose names are identified with the proudest annals of our history as a republic. I envy not the man who, from any motive of personal or political aggrandizement, has thought proper to disturb the practical character of this great measure of public policy, and thereby to foment the angry passions so easily engendered upon the exciting topic therein embraced.

I believe I may, without being justly chargeable with ecstasies, assert that I have never been accused of any

faltering in maintaining the just and constitutional rights of every portion of the confederacy. The compromise measures of 1850 received my sincere support; but if I had supposed that, by any assent or refinement of sophistry those measures could be construed into a repeal of or interference with the Missouri compromise, most certainly they never would have received my sanction; and I hazard nothing in saying, from my knowledge of Mr. Clay and his views at the time, that the idea never for one moment entered his mind, and that that high-minded and magnanimous statesman never for one moment would have lent his sanction or encouragement to any such act or implication. No man living, I think, will venture to assert that the great statesman of Kentucky ever was guilty of duplicity or intentional concealment of his views upon questions of public moment, and if such venture should be hazarded, it is not too much to predict that the bold assayer would find but few believers. I had supposed—certainly I had hoped—that the asperities of party spirit, and at times of personal animosity, which beset him especially in the latter part of his political career, had been buried in his grave; and I have yet to learn that any man will undertake to dispute his claims to the gratitude of his countrymen, or that the tears shed over his ashes by all classes of his fellow citizens were other than tears of unalloyed grief. In the name of Henry Clay, I repudiate and disavow this miserable subterfuge, this wanton denigration of his honor and fame. I trust never to see the day when the fraternal bonds of our confederacy shall be broken when this great republic shall be robbed of a single link or member; but if that time shall ever come, (which may God in his Providence avert) upon the heads of those who, disregarding the honorable pledges of their fathers, and their brethren, have so unnecessarily opened afresh the scarce healed wound, let the responsibility and the dishonor rest. For one, I spurn the associations and reject the act.

With great respect, your fellow citizen,

N. BOWDITCH BLUNT.

To Robert Smith, Thomas Crane, Esqrs., and others, Committee.

The CHAIR—Fellow citizens, I will now introduce to you Joseph Blunt, Esq., who will offer some resolutions for your consideration.

Mr. BLUNT said:—

I am happy to see this representation of the free labor of the North. I am happy to address a meeting of men who come here to discuss this question calmly and deliberately. Sixty-five years ago in this city were assembled the representatives of the thirteen States, anxiously awaiting the time for the organization of the government. Only a few years had elapsed since they had severed themselves from the mother country, and had proclaimed by the Declaration of Independence that all men were born free and equal. They afterwards saw fit to refer the question of slavery to be settled by the Legislatures of the various States; but we all believe that the time must come when the United States will give in their full adherence to the principle in its fullest sense. (Great Cheering.) At this time two States—Massachusetts and New Hampshire abolished slavery within their limits. In the other States slavery existed to a greater or less extent. Very soon slavery was abolished in the States of New York, Pennsylvania, Rhode Island and Connecticut; and the patriots who handed this free government down to us merit our eternal gratitude. (Applause.) But we had bound ourselves to respect the rights of the South, and to that pledge no Northern State has ever faltered in its adherence. After the revolutionary war it was found that there was a vast amount of territory west of the mountains to which the South had a claim. The States of New York, Virginia and New Jersey claimed the territory West of the Ohio. New York came forward first and gave up her claim to the territory, and through the exertions of such men as Thomas Jefferson and Rufus King, slavery was prohibited in the States northwest of the Ohio. The present propriety of those States is owing to the exertions of these men. In the process of time Louisiana was acquired, and that portion of it known as the province of Orleans, was erected into a State. It was agreed that slavery there should not be touched. Next Missouri came in, and there was a great contest. The result was that slavery was prohibited north of the line of 36 30. I recollect well the sensation the news of this measure created on the Sabbath morning when it came here; but the compromise once made, the North remained true to it, as it always has been. (Applause.) Such has always been the case with the North. Whether it will always so remain is to be seen. I object to this bill because the Southern people have not asked for it. It is the work of a few politicians, and is a political lever for the gratification of their personal ambition; and I must do the Southern people the justice to say that I fully believe they never asked for anything of this sort. The speaker referred to the introduction at Southampton, Virginia, and the fact that the Southern politicians asked impossible things of the North. They demanded that we should never write or speak against slavery, and never allow any anti-slavery newspaper or pamphlet to go through the mails. They knew that this never could be done. Afterwards, when the cry of saving the Union was got up, Southern gentlemen said that the Union should be put an end to unless these resolutions passed. Was there a Northern man who acceded to these measures? And once more, when these gentlemen met, for the purpose of giving formal representation to their opinions, what was the treatment which they received at Nashville? Why, they were driven by the voice of the people almost beyond the borders of the town to discuss and argue their monstrous and ridiculous doctrines.



Therefore, I tell you, gentlemen, it is not the South who desire these measures; but they come from the petty politicians who fawn around the executive at Washington. (Applause.) I really, most heartily detest these men of the North who broach these measures—false to the principles which they first took in their childhood. (Applause.) Again, we are told that this compromise of 1850 is unconstitutional. If it is, is it not strange that over thirty years have passed without its being found out, and that it was at last discovered by Stephen A. Douglas, of Illinois? It has passed the scrutiny of the Monroe Cabinet. John Quincy Adams was satisfied with it—(loud and long applause)—and now a man, unknown except as a politician, jumps up and with a swallow-like twittering pronounces it unconstitutional! One thing farther, gentlemen—Congress has entire control over these territories; and they must determine, when they are first to start into actual existence, whether they are to take a free and vigorous form or whether they are to be trampled by slavery. (Applause.) As to the effect of slavery, let us look at the progress respectively of Missouri and Michigan. The latter is fast advancing to the front rank in the galaxy of States, and the former is lagging behind under the burden and evils of slavery. (Loud applause.) If we were to legislate merely for this generation; if, like the people before Noah, let us eat and drink for to-morrow we die, then we might discard all regard for posterity, and say "sufficient to the day is the evil thereof." (Applause.) I will detain you with no further remarks, but will read the

#### RESOLUTIONS.

Resolved, That we, the mechanics and working men of New York, heartily concur in the stern protest recently uttered in this place by the great meeting called by the leading merchants and bankers of this city, against the threatened repeal of the Missouri compromise: that we cordially agree with the sentiment uttered by the presiding officer on that occasion, that "a bargain is a bargain, and that we do not understand, and will not tolerate, the doctrine of repudiation;" and with the declaration of Mr. Gerard, that "the common and honorable sentiment of all mankind will condemn it;" and that that we deem it proper to express our surprise and regret that the respectful resolutions adopted by that meeting, when presented by Senator Fish to the Senate, were refused a reading.

Resolved, That the pretence that the repeal of the Missouri compromise is a legitimate consequence of the acts of 1850 has been well shown to be without foundation in fact, by several Senators, and especially by Senator Houston, whose manly adherence to truth and honor we warmly appreciate; that the doctrine broached in some quarters, that that compromise was unconstitutional, and therefore ought to be repealed, is silly novel and startling, involving a denial of our constitutional rights, conflicting with the views of our greatest statesmen and the repeated action of our government; that until the Territories are organized into States, and admitted to the Union, the people thereof have no right to make rules and regulations for the governance of the same, but that such right by the constitution belongs absolutely and exclusively to the people of the United States, in Congress assembled.

Resolved, That a decent respect for the part of our Representatives for the rights, opinions, and feelings of the people, demands that no great change in our settled national policy—no change permanently affecting the mutual interests and relations of the various sections of the Union—should be suddenly adopted by Congress until a fair opportunity has been afforded for an expression of the views of their constituents, from whom alone all just power is derived; that any attempt to hurry this bill through the Senate, or to force its passage through the House, in order to forestall the judgment of the people, would be an act treacherous and treasonable, and that we appeal to both Senators and Representatives, by their oaths of office, and by the confidence which has been generously reposed in them, not to be persuaded by any inducement into so great wrong. That, speaking in the name of the people, we respectfully but firmly remind them that they are our servants, and not our masters.

Resolved, That the repeal of the Missouri compromise, in order to introduce slavery into our free territory of Nebraska and Kansas, would be in every point a crime, a breach of plighted faith, a violation, not only of our just rights, but the rights of man, in defiance alike of republican principles and Christian duty.

Resolved, That the intimation by Senator Butler that all the Southern whig Senators will vote for the bill, has aroused equally our sorrow and our indignation. That we of the North repeat the warning already given them by the merchants of our city—that with the repeal of the Missouri compromise, harmony and coexistence are at an end forever, and every existing compromise other than those embodied in the federal constitution on between the slave masters of the South and the free laborers of the North and West, will be violated by their own want of faith.

Resolved, That in regard to the Senators and Representatives in Congress from the free States, if, such there be, who are disposed to abet this scheme, and surrender the territories secured to us by our compact, we warn the government and the country that they do not truly represent the people, whose most cherished rights, principles, and interests they are betraying for the promotion of their personal ambition, or at the dictation of party leaders. And we warn all our public servants who may be tempted to favor in their allegiance to the rights of free labor, that a day of reckoning is at hand.

Resolved, That the agitation and alarm already excited throughout the free States, at the proposed violation of our ancient rights, and the popular indignation, not only of our native, but also of our adopted citizens, at this scheme for depriving them of homesteads in Kansas and Nebraska, unless they will consent to work side by side with slaves, intensifies the bitter course that awaits those who shall dare to trample on compacts and remove the landmarks of freedom. That we call upon the free laborers of the North to forget all difference of party and

to stand shoulder to shoulder in defence of our common rights, and that we call upon all the ministers of religion, by the high duties of their holy office, to invoke the Ruler of Nations to turn the hearts of those who are contemplating this stupendous wrong.

Resolved, That we call upon our Senators and Representatives in Congress, to resist undimly, in such manner as they shall deem meet, all attempts, from whatever quarter, to repeal, abrogate, or render inoperative, directly or indirectly, the eighth section of the Missouri Act; and that we call upon the President of the United States, in case of the passage of such a bill by Congress, to secure that compact from violation by interposing his constitutional veto.

Resolved, That a copy of these resolutions be forwarded to the Senators and Representatives of the State of New York in Congress, for presentation to those bodies to the Governor of each State of the Union, and to the President of the United States.

Hon. JOHN P. HALE then came upon the platform, amid considerable cheering and some slight hissing; a few cat-calls were also audible. Mr. Hale said:—

My friends and fellow citizens—I chanced yesterday afternoon to be in the Senate chamber of the United States when Governor Seward, one of your representatives, presented to that body—(applause and hisses)—I say when Gov. Seward presented to that body the resolutions of the Legislature of this State remonstrating against the passage of the bill to which allusion has been made this evening. The resolutions were received respectfully, quietly read, ordered to be printed, and laid upon the table, producing no more impression than was produced a moment after when the Clerk of the House came in and announced that the House had passed a certain bill upon some very trivial subject, in which they asked the concurrence of the Senate; the one produced as much excitement, as much emotion, as the other. I could not go back with my mind's eye some three quarters of a century, and look at the moment and occasion when some other resolutions were presented by a certain other body, prior to the Revolution. When the Stamp Act was passed by the British Parliament, and was sent over to these colonies to be enforced, there was a town meeting held in a town in New England, then not comprising over twenty thousand people—the town of Boston—and at it the people resolved that the Stamp Act should not be enforced in the town of Boston, and they sent those resolutions to the British Parliament. They were not read and laid upon the table; but the Stamp Act was repealed. (Applause.) Why is it that the voice of three millions of people, speaking through their legitimate organ, the Legislature of their State, and presenting those resolutions to the national Legislature, did not produce on the fourth part of the effect that the town meeting in Boston produced upon the British Parliament? The answer is plain. The men of Boston were in earnest, and meant what they said; and the British Parliament knew, when they received those resolutions, that the men who passed them had the resolution to live up to them. The Senate did not believe that of you. If they had they would not have been laid upon the table. (Applause, mingled with hisses.) Now, my friends, to night, I never rose to address an audience when I felt so inadequate to the task, because I think I appreciate something of the importance and something of the magnitude of this question. If I were to stand before you to-night to argue the case of one solitary individual, and upon the determination to which you might come rested his fate for the future of his life, and by the determination to which you came his fate hereafter was to be freedom or slavery, I should find the responsibility too overwhelming for my poor capacity. But how does such a question as that sink into utter insignificance in comparison with the question you come here to-night to consider? Look on it for a moment; look at that map—(pointing to the large map suspended in front of the organ)—important as is the position it gives the territory, it is not quite geographically correct. That territory, I say, lying in the centre of the United States, with the waters from its mountain peaks running now into the Atlantic, now into the Gulf of Mexico, and then into the northern lakes. That Territory comprises an area of 480,000 miles more than ten times the size of the State of New York, and fifty times the size of the State of Massachusetts. It occupies a position in relation to the rest of the country which the Chinese claims for his country in relation to the rest of the world. It is the Central Kingdom; and if the reports of those who have explored it be true, it only needs the hand of civilization to make it the Flowery Land. Well the question is, how shall it be governed?—and Oh! God, that it should be a question, when for thirty-four years we have slumbered in the security that it was ours—beyond peradventure. (Applause.) Why, Daniel Webster, on the 7th of March, 1850, in his celebrated speech which won him so much of fame and so much of obloquy, declared that the position of that Territory as to slavery was fixed by an irrevocable law. But now we are awakened to the fact that what we supposed for more than the time of a generation to be settled to safe and secure no longer. The question which we supposed our fathers settled more than a third of a century ago has come up to be settled again. What is it—what shall that great land be? Let me tell you, it is for you to say; it is for the mechanics and the workmen—the strong hands, the honest hearts and clear heads—the voters of this city to say. (Applause.) The honorable gentleman who preceded me says he has a contempt for those Southern men who are continually agitating this subject, but

he has more for the Northern men who are treacherous to their trust! But let me tell you that there would be no Northern doughfaces to vote for that territory to be given up to slavery unless they did it knowing that they re-presented doughface constituencies. (Loud applause.) Let the people of this city take hold of this question, and let it be known that they are in earnest. Let the laborers of New York stand up, in the conscious pride of their labor, and determine that they will reckon at the polls with the men who vote to give up this fair inheritance to slavery, and I tell you it will not be done. There will be no treachery at Washington unless there be treachery in New York to precede it; but let New York speak out and that land is safe. That country will soon be settled; the wars and oppressions of the Old World are turning out hundreds and thousands annually to people it. Soon another tide will come from the East across the Pacific, as now it comes across the Atlantic, and the tide will meet and settle there in the central land, and the Chinese will find that he has left one central kingdom to find another on another continent. And what shall be its institutions of government? Shall they be as bad as made New York and New England what they are? Shall the hum of busy industry be heard on its hills and in its valleys—shall churches and schoolhouses and academies dot its hills? (Loud cries of "Yes, yes," applause and hisses.) Shall spirit of Christian churches point from grateful hearts to a benighted God? (SARAH VOORHIS—"Yes," "no"—noise, hisses, and applause.) And when the laborer goes home at night, wearied with his toil, shall he look in the face of a wife that is his, and on the children of his love, secured to him by the laws not only of God, but of man also? (Applause.) Shall the grateful song of thanksgiving go up to the Giver of every good, from free hearts and happy homes; or instead of that, shall the clank of the chain and the wail of the bondman go up, filling the ear of him who has revealed it as his peculiar glory that He is too God of the oppressed? (Applause.) That is what you have to settle, not for this year—not for this generation—not for this century, but for all coming time, whether slavery is an institution of human government. And, my friends, let the wings of your imagination take flight, and see if you can see the magnitude, the importance, the solemnity and infinity of this question. Let me ask you, my friends—my political friends—if this is one of those minor questions which you are willing to trade off at the polls for a place in the Custom House? ("No—no"—laughter and applause.) Are there not some things that are a little higher and holier than to be put in the political chambers for the market, and is not this one of those questions? Now it is proposed to do all this; it is proposed to throw down the barrier, which you see marked on that map, not to let freedom come down below it, but to let slavery march up above it, and that is the issue—freedom or slavery. Well, now, I want to deal with this thing fairly—I want to argue the question that has been presented. It is said that the measure is to be passed for two reasons: the first is because the restrictions of the Missouri compromise are unconstitutional; and the second, because they are inconsistent with the legislation of 1850. You may think it strange that I should propose to argue a constitutional question in a mixed assembly like this. It is the very sort of an assembly in which I would like to argue it. Some people affect to think that common people cannot understand a constitutional question. They think that a man must be as stupid as an over-fed alderman, or corrupt as a member of Congress, before he is fit to appreciate a constitutional question. (Laughter and cheers.) I propose to put it to you, my friends, in the confidence that you can understand it. Let us not examine the question as to the constitutionality of promoting slavery in the Territories. Let us suppose in the first place, there was no provision or precedent about it. The United States own a territory; suppose, then, there is no precedent or provision in the constitution, but the simple fact that they own it. Through whom do the United States speak? Why, through their government—through Congress. Then, if the United States own the Territories, excluding all other title, and the only mode through which they can speak is through Congress, would it not seem to follow in the absence of any express provision, that Congress had the right and power to legislate? Well, then, the next question I put is, how the early fathers of the republic understood this question. Did they understand that Congress had the right to legislate for the exclusion of slavery from the Territories? We can best answer it by history. The constitution was adopted in 1789. In 1787 the Continental Congress passed an ordinance excluding slavery from every inch of the territory that the United States then owned. Two years after that the next Congress under the federal constitution met, and one of the very first acts which that Congress performed was to pass unanimously an act, the preamble of which declared that, to render the ordinance of 1787 compatible with the constitution of the United States: "Whereas," says the act, which was passed on the 7th of August, 1789, and may be found in the first volume of the United States laws—"whereas, in order that the ordinance of the United States in Congress







## ABRAHAM LINCOLN BOLTS HIS PARTY

THE YEARS of deep depression following Abraham Lincoln's first term in Congress were, as we have seen, years of hard work at his profession. They were likewise years of profound reflection on the question of slavery extension. As a member of the Thirtieth Congress he had heard the tremendous discussion between those who insisted all new territory acquired by the country must be free, and those who insisted that since the South had shared in the cost of acquirement it was just she should have at least her half for slaves. The debate had gone on through the Thirty-first Congress, finally heading in the compromises of 1850.

These compromises were not what Lincoln had hoped for—what forty times at least he claimed he had voted must be. To be sure, California was free, but it was left to the future citizens of New Mexico and Utah to decide whether or no they preferred freedom to slavery. He did not like the ferocious Fugitive Slave Bill. Returning runaway slaves he called "a dirty, disagreeable job," that as a rule "slaveholders would not perform for one another," but it was a law for which the South had paid with the abolition of slavery in the District of Columbia, and it must be obeyed.

It was not the compromises that made him sober, it was their failure to settle the matter. They were supposed to be "final." Why should they not be? Every inch of territory the United States owned was now under an agreement as solemn as men could make. Why should there not be peace?

The chief immediate reason was that the North would not obey the Fugitive Slave Law—rejoiced in evading it. Nor would it keep silent about it. Among the papers for which Lincoln & Herndon subscribed was The National Intelligencer. Not long after both Whigs and Democrats had voted the compromises of 1850 a "fifality" a woman began a serial in its pages—"Uncle Tom's Cabin"—a story of the workings of the hated law. With every installment the wrath of the North rose higher and hotter—and with the agitation rose the wrath of the South.

### *Lincoln Saw Groups Forming For the Great Conflict*

LINCOLN saw with growing alarm that out of the very measures intended to settle forever the conflict two dangerous classes were forming and expanding—in the South a group who, for the sake of perpetuating slavery, were beginning to assail and ridicule what he called "the white man's charter of freedom, the declaration that all men are created free and equal;" and in the North a group who, "rather than that slavery should continue a single hour, would shatter into fragments the union of these States, tear to tatters its now venerated Constitution, and even to burn the last copy of the Bible."

Dangerous business, but so long as the settlements held, he for one held to his life-long belief that slavery confined must ultimately die.

And then there happened the one thing which could have made him change his mind as to the only practical and peaceful way of putting an end to it. In May, 1854, the Missouri compromise, which he had always regarded as the most sacred of them all, forbidding slavery in any territory north of 36 deg. 30 min., was repealed; and the doctrine of "squatter sovereignty" installed. It was pulling his house down about his ears—shattering the one possible way, as he saw it, for the extinction of slavery.

What was the base of his belief that slavery quarantined must become extinct? Lincoln was counting on the nature of the human heart to bring about the end of slavery. He was convinced that the mass of all mankind considered it a great moral wrong, that this feeling was "not evanescent but eternal." The men of the South in the past had shared this view. Had they not joined the North in ending the slave trade? Had they not agreed to the ordinance of 1787? Was it not a slave holder, Henry Clay, who had framed the Missouri compromise? Had they not already actually freed nearly a half million of their negroes? Was it not true that southerners were constantly coming North and becoming "tip-top" Abolitionists? Why, Illinois herself had been "brought in free" by the work of a former slave owner, Gov. Coles! Keep slavery shut in and ultimately the human sympathies of the South, her sense of the wrong of slavery, would conquer.

But the crux of his faith was quarantine. And the quarantine was lifted. It must be restored; and he stiffened for the fight.

I find not a few people who believe that Lincoln's knowledge and feeling about slavery dates from the repeal of the Missouri compromise, that up to this time he had given no thought to the subject, had no strong convictions upon it. Let such people study the speech with which he began his war on the Nebraska Bill, as the repeal now popularly came to be called. The author and backer of that bill, Senator Stephen A. Douglas, had come on to Illinois soon after it had been signed by the President to make peace with an outraged constituency. Lincoln was selected by general consent as the most fit to meet him. Their first encounter came early in October, 1854, at the State Fair in Springfield, and a few days later at Peoria they repeated their debate. For vigor, compactness, logic, solid information one would have to go far to find the equal of this first speech of Lincoln's against the extension of slavery. It is packed with ideas, saturated with familiarity with the history and development of the thing. It is the kind of expression that comes only from long living with a subject. It demonstrates beyond question, it seems to me, that Lincoln from his boyhood had been, both consciously and unconsciously, observing and turning over the exhibits of what turning as a tremendous national wrong.

### *This Speech Contained the Seeds of Lincoln's Later Philosophy*

THIS speech of October, 1854, has in it the seeds of all the arguments which he was afterward to develop in the fight of which this was the first round. Here you have the first expression of that idea which afterward was to play so large a part in his argument, that the repeal meant nothing else than the spread of slavery "over

Tarbell  
1924

very part of the wide world where men could be found inclined to take it." Here, too, you find that he had no illusions about the terrible possibilities of standing out against the repeal. It means "blows and bloodshed." "Could there be a more apt invention," he cried, "to bring about collision and violence on the slavery question than this Nebraska project is? If they had literally formed a ring and placed champions within to fight out the controversy, the fight could not be more likely to come off than it is." He saw more. Not only "blows and bloodshed," but that the first drop of blood shed might be the real knell of the Union!

Nothing shows better how profound was his feeling on the subject than the way in which he immediately thrust aside all thought of party, except as it might serve the question. He was something more than a Whig now. The time had come when he would go with anybody that went right—with Owen Lovejoy, the Abolitionist; with Lyman Trumbull, the Democrat; with his highly conservative Whig friend, O. W. Browning.

And what a great politician he was at the moment! How quickly he turned every effort to pulling all these scattered forces together! Rebuke them, was his cry. Show them they cannot do this kind of thing, that we will fight. We will get into office wherever we can the man that is against this thing, no matter what his party. He gave the most convincing evidence of his sincerity in this counsel when, in November, in the contest for the United States Senatorship—he had entered with a large following—rather than let the office go to a candidate whose anti-Nebraska sentiment he mistrusted (and who also had been intriguing in an underhand way against him) he threw his own following to Lyman Trumbull, a Democrat, but an out-and-out anti-Nebraska Democrat.

### *Lincoln Was Very Frank in Reporting His Defeat*

I HAVE always liked the way Lincoln reported this fight in the Legislature for the Senatorship in the fall of 1854 to his friend Washburne. "I could have headed off every combination and been elected had it not been for Matteson's (his Whig rival) double game, and his defeat now gives me more pleasure than my own gives me pain."

Here for the first time in several years we have something like the old buoyant political Lincoln. The Nebraska men were more disturbed by Trumbull's election than they would have been by his. "I . . . hated it worse than anything that could have happened," he wrote Washburne. "It is a great consolation to see them worse whipped than I am." Here is a man who can keep his sense of humor in a tremendous moral fight!

"He was in no way disturbed by the flocking of extremists to the anti-Nebraska crowd. When his anxious Whig friends said: 'They are going to call us Abolitionists,' he told them they were silly, that the only thing at stake now was not what you were called but whether you were fighting the repeal. Douglas giped him unmercifully for his willingness to attack wherever he saw a chance to gain an inch. He was not disturbed. 'Remember,' he replied, 'you took us by surprise. We were thunder-

struck, stunned, reeled and fell in utter confusion, but we rose, each fighter grasping whatever he could first reach—a scythe, a pitchfork, chopping ax or butcher's cleaver. We struck in the direction of the sound, and we are rapidly closing in on you. You must not think to divert us from our purpose by showing us that our apparel, our dress, our weapons are not entirely perfect and uniform."

Of course he was headed direct for a new party, that party which was slowly forming itself out of the bolting fragments of every other party and which was collecting to itself every variety of extremist and theorist scattered about the land. Twenty-five years ago I had the satisfaction of knowing in Illinois a number of the men who in the middle '50's had been leaders in gathering up these fragments. Among them was Paul Shelby, in 1854 the editor of a paper in Jacksonville. Mr. Shelby was a careful, scholarly, conservative person in 1896, but in 1854 you could not move fast enough for him. He was one of a few young men, eager to bring together all of the righteous indignation which had been showing itself in spontaneous mass meetings in Illinois. It seemed to this group that a mass meeting at the State Fair of 1854 might crystallize the excitement. So it was called, but it had anything but a friendly reception at the capital. They would not allow them to hold a meeting in the State House as they had expected to do, and there was not a printing office in the town, so Mr. Shelby told me that would set up their handbills, so he was obliged to print them himself in a job shop. It was during the session of this band of radicals that Lincoln first replied to Douglas, and they took a recess to hear him. When they came back they appointed a State central committee and put Lincoln on it, as a representative of Sangamon. He refused to serve. He still had hopes of the Whigs, Mr. Shelby told me, with a pitying little smile. And he did. But as the months went on the hopelessness of getting a fighting body from either of the old parties was more and more clearly demonstrated. The little anti-Nebraska nucleus that had been formed at Springfield and that Lincoln had refused to commit himself grew. And how it was fed!

### *Lincoln One of First to Predict Bloodshed Over Slavery*

ALL THROUGH these months there were trailing across Illinois and down the Ohio groups of Eastern Abolitionists and Free Soilers, men, women and children, crusaders, determined that squatter sovereignty, cost what it might in hardship, should result in the freedom of Kansas. And Kansas' neighbor, Missouri, regarding these colonists as a direct attack on its prosperity and principles, had set up a retaliatory





A portrait of Lincoln taken in the 50's showing his melancholy cast of countenance.

movement. The "blows and bloodshed" that Mr. Lincoln had prophesied at the State Fair in 1854 were beginning. The fighting blood of Illinois rose with the suffering in Kansas.

Early in 1856 Paul Shelby called a second convention, this time of anti-Nebraska editors. They met in Decatur, and Lincoln found it convenient to be in town. He took no part in the day's public meetings, but when his help on the resolutions to be adopted was asked he gave it. He accepted an invitation for the banquet which was to be held in the evening, and spoke thus openly, going over to the bolters. He felt, he said, a sort of an interloper, and was reminded of an incident of a man not possessed of features the ladies would call handsome, who, while riding through the woods, met an equestrienne. (Mr. Lincoln hardly used that word. It certainly was put in his mouth by the editor who later told the story, Mr. B. F. Shaw of the Dixon Telegraph!) He reined his horse to one side of the bridle path and stopped, waiting for her to pass. She also checked her horse to a stop, and after looking him over in a curious sort of a way finally broke out with:

"Well, for the land's sake, you are the homeliest man I ever saw."

"Yes, ma'am, but I cannot help that."

"No, I suppose not, but you might stay at home."

Mr. Lincoln suggested to the editor that he might have stayed home on this occasion.

A State convention of anti-Nebraska forces was called for May 29, 1856, at Bloomington, and Lincoln this time accepted his appointment as a delegate from Sangamon. He was on hand for the meeting. That it was a great convention there is no doubt. One of the reports of a Chicago correspondent began with this paragraph:

"May 29, 9 a. m. The train arrived here an hour ago. The porches, halls and doorways of the Pike House are crowded with a dense mass of delegates. Men are here from all parts of the State. Egypt is in counsel with us. It is a spontaneous outpouring of the people."

## Principles Laid Down for New Party Were Voiced in Last Speech

ALL THAT followed at the Bloomington convention of 1856 justifies this correspondent's enthusiastic first paragraph. They organized. Men spoke. The thing went as well as a thing of that sort possibly could. It was left to Lincoln to make the speech which really crystallized the elements of the new party beyond any possibility of crumbling. The "lost speech" they have always called what he said that day—lost because under the emotion and sweep of it no reporter kept his head sufficiently to take a note.

Back in the '90's when working on a Life of Lincoln in Illinois, one of the most tantalizing experiences was meeting some men who had been present at this convention and who proceeded to give me a glowing version of this miraculous legendary speech. There was Thomas J. Henderson of Princeton, Joseph Medill and George Schneider of Chicago, J. B. Cunningham of Urbana, Judge Scott of Bloomington. The spell was still on them, but as for telling me what Lincoln said there was not a man that could give me any idea. I have before me the yellowed notes made in Bloomington after a talk with Judge Scott. "Unless one heard that speech he cannot know what eloquence is," he had told me—and this from a man of controlled expression.

It was a challenge to one gathering up fragments to re-create an episode, and I went from place to place and man to man, trying from talk and newspaper files to collect enough little pieces to form at least the outline of a speech. It was while at this work I learned that Henry C. Whitney, a young lawyer who had been with Mr. Lincoln at Danville in the days before the convention, who had gone to Bloomington with him and who had heard the speech, was said to have made and preserved notes. Mr. Whitney was still living, a half invalid, at Beachmont, Mass. And there I made my way, and found it to be a fact that he alone, of all that body gathered in the hall at Bloomington, had sufficiently kept his head to set down something of what Mr. Lincoln had said.

When I urged Mr. Whitney, in the name of McClure's Magazine, to write out his notes, he was reluctant. They were too imperfect, he said, and he showed me the yellowed sheets with their faded bits of writing—imperfect indeed, but still voluminous. I think he had long wanted to try to make something out of these savings but feared the result. When he finally yielded to my urging, he did his work with the utmost care, though with many misgivings. He knew well enough that whatever he produced would be severely criticised and he went over and over his notes, carefully comparing them all with printed sources. When his work was finished he made no other claim for it than that it was the best he could do, after so long a time, with the material that he had.

## It is Well Authenticated Fact That No Notes of Speech Were Taken

THE RESULT seemed to the editors of McClure's Magazine worth publishing, but before this was done it was submitted to a number of the men with whom I had



talked in Illinois. What did they think of it? Was it a fair report? The reaction was varied. Mr. Henderson thought little of it. "It has been so universally regarded as a masterly speech and the effect of it upon the convention was so wonderful," he wrote, "that I fear no report of it can be given to the public that would do justice to Mr. Lincoln or give a proper conception of the speech and of its remarkable power and eloquence."

There were others that felt like Mr. Henderson. McLean county, Illinois, held a commemoration of the Bloomington speech in 1900, and the gist of opinion there was so much against Mr. Whitney's version that when the County Historical Society published its report of the exercises it took pains to speak of Mr. Whitney's "alleged notes," and to add: "In this community, where many are now living who heard the great speech and where Mr. Lincoln was so well known and loved, all of his friends consider the speech still 'lost.'"

That may be true, but there were at least two persons, friends of Mr. Lincoln, and of importance in this movement, at the Bloomington convention, that felt differently in 1896. Among those to whom the magazine submitted the manuscript of Mr. Whitney's report before publishing it was Mr. J. B. Cunningham of Urbana, whose honesty and fitness to judge of the speech I take it, that no one, even in the McLean County Historical Society, would question. "After forty years," Mr. Cunningham writes, "I recognize very much in the utterances, manner and spirit of the speech, especially in the moderation which he counselled."

Mr. Whitney's report made the strongest impression on Mr. Joseph Medill, the editor of the Chicago Tribune. It stirred him to a spirited informal account of the convention and of Mr. Lincoln's part in it. Although parts of his letter have been published at different times, I do not recollect that the letter as a whole was ever printed, and I am therefore including it in this article. It proves that at least one astute and qualified observer did not sniff at the Whitney report or question his good faith. Mr. Medill's letter also gives probably the best picture of the convention we have from an actual delegate.

#### *Some of the Spirit of Speech Contained In Medill's Report of Convention*

"YOU INVITED my attention recently to H. C. Whitney's report of the great radical 'anti-Nebraska' speech of Mr. Lincoln, delivered in Bloomington May 29, 1856, before the first Republican State Convention of Illinois; and as I was present as a delegate and heard it you ask me to state how accurately, according to my best recollection, is it reproduced in his report.

"I have carefully and reflectively read it, and taking into account that Mr. Whitney did not take down the speech stenographically, but only took notes and afterward wrote them out in full, he has reproduced with remarkable accuracy what Mr. Lincoln said, largely in his identical language and partly in synonymous terms. The report is close enough in thought and word to recall the wonderful speech delivered forty years ago with vivid freshness. No one was expecting a great speech at the time. We all knew that he could say something worthy of the occasion, but nobody anticipated such a Demosthenean outburst of

oratory. There was great political excitement at the time in Illinois and all over the old Northwest growing out of the efforts of the South to introduce slavery into Kansas and Nebraska. The Free Soil men were highly wrought up in opposition, and Mr. Lincoln partook of their feelings.

"I am unable to point out those sentences and parts of the reported speech which vary most in phraseology from the precise language he used, because there is an approximation of his words in every part of it. The ideas uttered are all there. The sequence of argument is accurately given. The invectives hurled at pro-slavery aggression are not exaggerated in the report of the speech. Some portions of the argument citing pro-slavery aggressions seem rather more elaborate than he delivered; but he was speaking under a high degree of excitement and the convention was in a responsive mood, and it is impossible to be certain about it. The least that can be said is that the Whitney report not being shorthand is yet a remarkably good one and is the only one in existence that reproduces the speech.

"During all the preceding years the public mind of the West had been lashed into a high state of commotion over the repeal of the Missouri compromise the year before, which had excluded the introduction of slavery into all territory north of 36.30 degrees. Taking advantage of the repeal, the slaveholders of Missouri and other slave States, aided by the administration of Franklin Pierce, were striving to convert Kansas and Nebraska into slave States. This bad work was carried on actively in the spring of 1856. Many houses of the free State men of the new city of Lawrence, including their hotel, were burned. Printing offices were destroyed; store goods were carried off; horses and cattle were stolen; sharp fights were taking place; men were being killed, and civil war was raging in 'bleeding Kansas.' In Washington, Brooks of South Carolina entered the Senate chamber and nearly clubbed to death Senator Sumner of Massachusetts." (Mr. Medill might have added here that Paul Shelby, who had been working in Illinois for two years to secure this convention, had, a few days before, been so badly beaten by his political opponents in Jacksonville that he was at home in bed instead of on the floor of Major's Hall.) "Judge Trumbull offered a resolution in the Senate to prevent civil war in Kansas.



# LINCOLN WROTE EDITORIALS FOR STATE JOURNAL

*Ill. St. Journal 6/30/36*  
Beveridge Quotes Article

## On Repeal Of Missouri Compromise.

During the preparation of his "Abraham Lincoln," Senator Albert Beveridge made a study of State Journal editorials. In writing of Lincoln's preparation for the 1856 campaign, Beveridge says:

"For weeks Lincoln has spent toilsome hours in the state library searching trustworthy histories, analyzing the census, mastering the facts, reviewing the literature of the subject. In his office he had written fragments on government and scraps of arguments against slavery, continuously trying to clarify his reasoning.

"Moreover, he had written several editorials for the Illinois State Journal. Herndon tells us that he and Lincoln often did this, and it is not hard to detect the writing of each man. An editorial entitled 'Negro Power' is probably Lincoln's; it states in his plain and simple style the injustice of counting slaves in determining the basis of representation in congress. Another editorial, 'The 14th Section,' is undoubtedly by Lincoln. It explains the effect of the repeal of the Missouri compromise. After a succinct statement of the law, the editorial continues:

"Abraham Lincoln has a fine meadow, containing beautiful springs of water and well fenced, which John Calhoun had agreed with Abraham (originally owning the land in common) should be his, and the agreement had been consummated in the most solemn manner, regarded by both as sacred.

"John Calhoun then looks with longing eyes on Lincoln's meadow, and goes to it and throws down the fences, and exposes it to the ravishes of his starving and famishing cattle.

"'You rascal,' says Lincoln, 'what have you done? What do you do this for?'

"'Oh,' replied Calhoun, 'everything is right. I have taken down the fences, but nothing more. It is my true intent and meaning not to drive my cattle into your meadow, nor to exclude them therefrom, but to leave them perfectly free to form their own notions of the feed, and to

direct their movements in their own way."

"Now would not the men who committed this outrage be deemed both a knave and a fool—a knave in removing the restrictive fence, which he had solemnly pledged himself to sustain, and a fool in supposing that there could be one man found in the country to believe that he had not pulled down the fence for the purpose of opening the meadow for his cattle?"



# LINCOLN LORE

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## LINCOLN, C. CLAY AND THE KANSAS-NEBRASKA ACT

### LINCOLN'S POLITICAL REJUVINATION—NO. 4

Cassius M. Clay was Kentucky's most passionate and aggressive anti-slavery exponent. His father was a cousin of Henry Clay but there was no spirit of compromise in Cassius. On July 10, 1854, one month after ex-President Fillmore's visit to Springfield, the fiery relative of the pacificator arrived in the state capital of Illinois for an address on the Kansas-Nebraska Act.

He was cordially welcomed by Abraham and Mary Todd Lincoln as an intimate friend of the Todd Family. When Cassius was a student in Transylvania University at Lexington the main dormitory of the institution burned to the ground and the students found lodging in the homes of the people. Cassius, whose people then lived in Madison County, secured accommodations in the home of Robert Todd and here he became acquainted with their daughter Mary who married Lincoln. In a brief sketch of the early days Cassius said that "I was on very agreeable terms with the Todd family, who were always my avowed friends during my antislavery career."

Cassius Marcellus Clay later entered Yale where he graduated in 1832. He came under the influence of William Lloyd Garrison and imbibed much of the abolition philosophy of the reformer. He entered politics in Kentucky and was elected to the legislature. On June 3, 1845 he issued at Lexington the first number of *The True American*, an anti-slavery paper. Threatened by mob violence he fortified his office with two four pounder brass cannon, loaded and mounted them breast high in his office, wore a bowie-knife and kept a brace of pistols in the mouth of his grip sack which he kept at his feet by his desk.

The editor of *Lincoln Lore* while a student at Transylvania University remembers distinctly a story about Cassius Clay which William Townsend uses in his interesting volume *Lincoln and His Wife's Home Town*. This is the version used by Townsend:

"At one of the villages near Lexington, large posters announced that no anti-slavery speeches would be permitted under penalty of death. Some of the citizens sent for Clay and promptly, at the appointed hour, with his old gray carpetbag on his arm, he walked unattended down the center aisle of the packed court-room, mounted the rostrum and calmly faced the muttering, jostling crowd.

"'For those who support the laws of our country,' he announced in an even, steady voice, 'I have this argument,' and he placed a copy of the Constitution on one end of the table. 'For those who believe in the Bible, I have an argument from this,' and he placed a copy of the New Testament on the other end of the table. 'And for those who regard neither the laws of God or man'—the speaker paused and fixed his dark piercing eyes upon the most threatening group in the audience—'I have this argument,' and he laid a brace of long black-barreled pistols with his bowie-knife on the table in front of him. Then he plunged, without interruption, into his speech."

Mr. and Mrs. Lincoln must have had some anxiety about the coming of Cassius Clay to Springfield. Upon his arrival the secretary of state refused him permission

to speak in the state house which denial put Cassius in a perfect mental attitude for the occasion. The people assembled in Mather's grove where the present state house now stands. Clay first upbraided the civil authorities for refusing permission to use the public building and stated that "even in his own state—a slave state—the common courtesy of citizenship had never been withheld from him, no court-house or state-house door had ever been shut in his face."

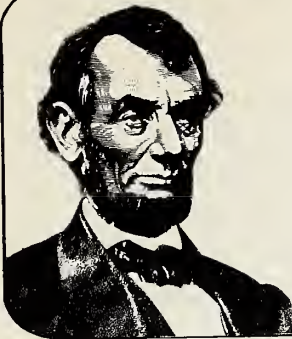
The principal part of Cassius Clay's speech was on the Kansas-Nebraska Act and he concluded his argument with these words: "Strike at the monster aggressor (slavery) whenever it could be reached under the Constitution. . . . An organization of men of whatever politics, of Free Soilers, Whigs and Democrats, who will bury past animosities and, repenting past errors which all have been guilty of, unite in hurling down the gigantic evil which threatens ever our liberties. When men violate the Constitution, put them down. Repeal unconstitutional enactments, restore liberty to Kansas and Nebraska. Slavery must be kept a sectional and liberty a national institution, and then the Ship of State will again set forward in her glorious career of Constitutional Liberty."

Apparently the visit of Cassius Clay to Springfield greatly aroused Lincoln and later he prepared an editorial for the local press based on Section 14 of the Kansas-Nebraska Law which statute aroused every anti-slavery man in the nation. This is the paragraph which brought about the political rejuvenation of Abraham Lincoln:

"That the constitution, and all the laws of the United States which are not locally inapplicable, shall have the same force and effect within said territory of Nebraska as elsewhere in the United States, except the 8th section of the act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which being inconsistent with the principles of non-intervention by congress with slavery in the States and Territories as recognized by the legislation of eighteen hundred and fifty, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States: Provided, that nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of sixth of March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery."

We shall never know just how much Clay's talk contributed to Lincoln's decision to re-enter politics in the following month of August. In after years in referring to this visit to Springfield, Clay remarked, "Lincoln gave me a most patient hearing. I shall never forget his long ungainly form and his ever sad and homely face. . . . I flatter myself, when Lincoln listened to my animated appeal for universal liberty for more than two hours, that I sowed good seed in good ground, which in the providence of God in good time produced good fruit."





# Lincoln Lore

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Number 1621

## THE PRESIDENT AND THE HISTORIAN: LINCOLN AND GEORGE LIVERMORE

Just as the contemporary interest in civil rights has had its effects upon living historians, guiding them to write on once neglected subjects, so an earlier era of interest in civil rights had its effects upon the subject matter of historical research. The Civil War directed the interests of George Livermore (1809-1865), a frail Massachusetts antiquarian and book collector, to the subject of the "Opinions of the Founders of the Republic on Negroes as Slaves, as Citizens, and as Soldiers." Some of the things that Livermore discovered by careful research in the published writings of the founding fathers and in the manuscript collections of the Massachusetts Historical Society may well have startled members of that Society present when, on August 14, 1862, he read his paper concerning the racial attitudes of that first generation of Americans. Indeed, some of his discoveries made over a hundred years ago would be news to historical societies today.

Livermore's *Historical Research*, as he called the published version of the paper he read to the Massachusetts Historical Society, is of special interest to Lincoln students because Abraham Lincoln apparently read Livermore's pamphlet—and at a critical time. Charles Sumner, the Republican Senator from Massachusetts, presented Lincoln with a copy of Livermore's *Historical Research* in November of 1862. The pamphlet is thought by some to have influenced Lincoln's decision, made between the issuance of the preliminary Emancipation Proclamation on September 22, 1862 and the official promulgation of the Proclamation on January 1, 1863, to include a paragraph endorsing the use of former slaves as soldiers in the Union Army. This opinion is strengthened by the fact that Lincoln consulted Charles Sumner about the final version of the Proclamation on Christmas Day, 1862. It is also added support by the story that George Livermore had Sumner give Lincoln a gold pen to sign the Proclamation which was returned to Livermore as a keepsake of the momentous historical event. In the editor's

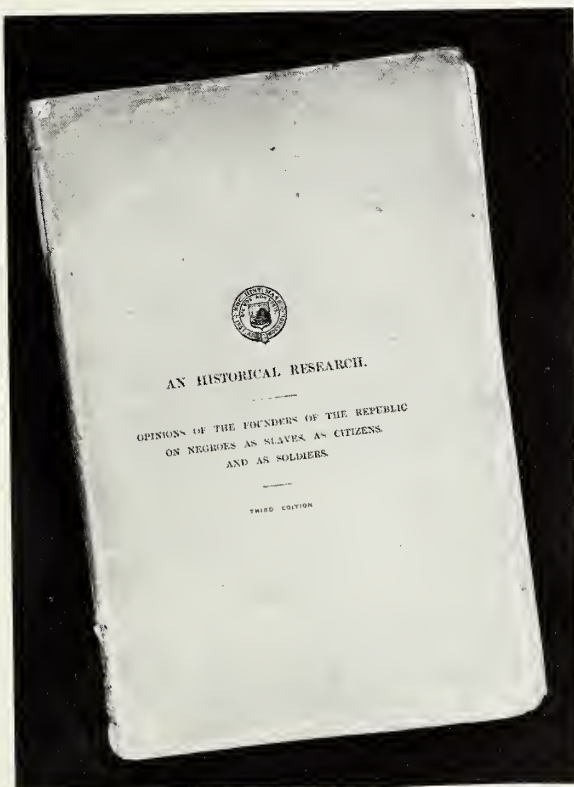
opinion, the story is made even more plausible by the nature of Livermore's pamphlet itself.

Livermore's pamphlet had two parts. The first was concerned with the subject, "Negroes as Slaves and as Citizens," and consisted of lengthy quotations from the writings

of the founding fathers loosely strung together by introductory remarks and brief comments by Livermore. But Livermore was no antiquarian, for he wrote about the past in order to influence the present and future:

In this time of our country's trial, when its Constitution, and even its continued national existence, is in peril, and the people are beginning to be aroused to the magnitude of the work to be done, all other subjects dwindle into comparative insignificance. Loyal men, of every calling in life, are laying aside their chosen and accustomed private pursuits, and devoting themselves, heart and hand, to the common cause. As true patriots, then, we, members of the MASSACHUSETTS HISTORICAL SOCIETY, should do something more than comply, as good citizens, with all the requirements of the Constitution and the laws: we must study, in the light of history, and by the traditions of those who originally founded and at first administered the Government, the fundamental principles on which it was based, and the paramount objects for which it was established. Having done this, it may not be amiss for us to offer the results of our historical researches to others not having the leisure or the opportunity to investigate for themselves.

Thus, although the pamphlet was laden with long extracts from original documents, it was really a tract for the times. Nor did Livermore hide behind historical objectivity: he said he was trying "to ascertain who have been unfaithful to the 'compromises of the Constitution,' and to the principles upon which the Union was based, and for which the Government was established." In other words,



From the Lincoln National Life Foundation

Livermore read his paper before the Massachusetts Historical Society on August 14, 1862. He printed it at his own expense for gratuitous distribution as a paper read before the Society. The second edition was published in the *Proceedings of the Massachusetts Historical Society*. The Lincoln Library and Museum's copy is a third edition published for the New England Loyal Publication Society in 1863 by A. Williams and Company. The New England Loyal Publication Society was the Boston counterpart of the Loyal Publication Society located in New York City. The Boston society printed broadsides mostly, rarely publishing pamphlets as the New York society did. However, John Murray Forbes, the wealthy Boston merchant who founded the New England group, was especially interested in the raising of black regiments; perhaps his interest helps explain their publishing Livermore's pamphlet.



Livermore was researching who was to blame for the Civil War.

The first section was therefore a commonplace, if at times artful, attempt to line the founding fathers up on the side of the North. Livermore began by refuting the contentions of the president of the Confederacy with the words of its vice-president, Alexander H. Stephens. Jefferson Davis had claimed that the North was unfaithful to the original compromises of the Constitution. Stephens had justified secession on other grounds:

*The prevailing ideas entertained by . . . most of the leading statesmen at the time of the formation of the old Constitution, were, that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically. It was an evil they knew not well how to deal with; but the general opinion of the men of that day was, that, somehow or other in the order of Providence, the institution would be evanescent, and pass away. This idea, though not incorporated in the Constitution, was the prevailing idea at the time. The Constitution, it is true, secured every essential guarantee to the institution while it should last; and hence no argument can be justly used against the constitutional guarantees thus secured, because of the common sentiment of the day. Those ideas, however, were fundamentally wrong. They rested upon the assumption of equality of races. This was an error. It was a sandy foundation; and the idea of a government built upon it,—when the "storm came and the wind blew, it fell."*

*Our new government is founded upon exactly the opposite ideas. Its foundations are laid, its cornerstone rests, upon the great truth, that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and normal condition. This, our new government, is the first, in the history of the world, based upon this great physical, philosophical, and moral truth.*

Having contradicted the Confederate president through the words of the Confederate vice-president, Livermore went on in the first section to document Stephens's assumption that the ideals of the Confederacy represented a radical break with the opinions of the founding fathers.

What followed was a fairly conventional documentation of the case for the founding fathers' having thought slavery a moral evil that should be put on the road to ultimate extinction as soon as possible. Such cases always relied heavily upon emphasizing the importance of the Declaration of Independence, which Livermore termed "The primal American Magna Charta," and attempting to explain the Constitution away. The latter argument depended on emphasizing that, as Livermore construed the preamble, "It was established for the purpose of securing liberty . . ." It stressed also that the document did "not permit the word 'slave' anywhere to tarnish its text."

The argument relied heavily as well on the opinions that some of the men present at the constitutional convention expressed outside the document. Livermore could quote Northerners and Southerners alike on this question. Thus Benjamin Franklin wrote to a friend as early as 1773:

*I have since had the satisfaction to learn that a disposition to abolish slavery prevails in North America; that many of the Pennsylvanians have set their slaves at liberty; and that even the Virginia Assembly have petitioned the king for permission to make a law for preventing the importation of more into that Colony. This request, however, will probably not be granted, as their former laws of that kind have always been repealed, and as the interests of a few merchants here has more weight with Government than that of thousands at a distance.*

When he quoted George Washington, Livermore not only rested his case on the father of his country but on a prominent Virginian and slaveholder. Despite his economic stake in the institution, Washington thought that slavery should and would soon be abolished:

*I hope it will not be conceived from these observations that it is my wish to hold the unhappy people, who are the subject of this letter, in slavery. I can only say, that there is not a man living who wishes more sincerely than I do to see some plan adopted for the abolition of it; but there is only one proper and effectual mode by which this can be accomplished, and that is by*

*legislative authority; and this, as far as my suffrage will go, shall never be wanting. [Washington to Robert Morris, April 12, 1786.]*

The present prices of lands in Pennsylvania are higher than they are in Maryland and Virginia, although they are not of superior quality; [among other reasons] because there are laws here for the gradual [sic] abolition of slavery, which neither of the two States above mentioned have at present, but which nothing is more certain than they must have, and at a period not remote. [Washington to Sir John Sinclair, December 11, 1796.]

To Washington and Franklin, Livermore added John Adams, Thomas Jefferson, John Jay, Christopher Gadsden, Henry Laurens, and others; yet one stubborn fact remained: "But still, in three separate clauses, the Constitution recognizes the existence of slavery . . ." When talking about the Constitution, Livermore had ultimately to rely on things extra-constitutional, like "spirit":

One thing is certain, that . . . the common sentiment, in the Convention and throughout the country, was, that the letter and the spirit of the Constitution, fairly interpreted and faithfully applied, afforded a full guaranty of universal freedom throughout the Union at no distant day. The purpose of the Constitution was put into the preamble in no equivocal language, and for no doubtful purpose. It was "TO SECURE LIBERTY," and not to protect slavery . . .

I say that the above was a conventional argument, for it could be found in many ante-bellum anti-slavery speeches. In fact, one can find Abraham Lincoln using a very similar argument at the Cooper Institute in 1860. This, as much as anything else, makes the case for Livermore's influence on Lincoln convincing: Livermore's was just the sort of argument that Lincoln himself might have used.

In the Cooper Institute address, Lincoln attempted to turn the tables on Stephen Douglas, who always professed to abide by the compromises of the Constitution. Lincoln said he fully endorsed Douglas's assertion that, "Our fathers, when they framed the Government under which we live, understood this question just as well, and even better, than we do now." He went on to argue that, contrary to Douglas's belief, this dictated federal control of slavery in the territories. First he showed that twenty-three of the thirty-nine men who signed the Constitution were on record as having supported legislation like the Northwest Ordinance of 1787, in which Congress interfered with slavery in the territories. He argued, just as Livermore had by quoting Alexander Stephens, that "We stick to, contend for, the identical old policy on the point in controversy which was adopted by 'our fathers who framed the Government under which we live;' while you with one accord reject, and scout, and spit upon that old policy, and insist upon submitting something new." He pointed out "that neither the word 'slave' nor 'slavery' is to be found in the Constitution."

It was polemical ground that Lincoln had trod before, most notably in his speech at Peoria in 1854. There he had stressed that "the sheet anchor of American republicanism" was the Declaration of Independence and the statement that "the just powers of governments are derived from the consent of the governed." He had interpreted the Constitution this way:

I particularly object to the NEW position which the avowed principle of this Nebraska law gives to slavery in the body politic.

\* \* \*  
I object to it because the fathers of the republic eschewed, and rejected it. The argument of "Necessity" was the only argument they ever admitted in favor of slavery; and so far, and so far only as it carried them, did they ever go. They found the institution existing among us, which they could not help; and they cast blame upon the British King for having permitted its introduction. BEFORE the constitution, they prohibited its introduction into the north-western Territory—the only country we owned, then free from it. AT the framing and adoption of the constitution, they forebore to so much as mention the word "slave" or "slavery" in the whole instrument. In the provision for the recovery of fugitives, the slave is spoken of as a "PERSON HELD TO SERVICE OR LABOR." In that prohibiting the abolition of the African slave trade for twenty years, that trade is spoken of as "The migra-





From the Lincoln National Life Foundation

This commemorative broadside published by F. G. Renesch of Chicago in 1919 invoked the memory of the Emancipation Proclamation and linked it to the achievements of the American Negro since Lincoln's time. Of particular interest, of course, is the reference to black soldiers in World War I. The two faces flanking Lincoln are those of officers of the 370th United States Infantry Regiment (formerly the Eighth Illinois), the only regiment in the United States Army with black officers from the highest to lowest ranks called into service in World War I. Lieutenant Colonel Duncan was the highest ranking Negro in the American Expeditionary Forces. Frederick Douglass was a contemporary of Lincoln's and a black abolitionist. Paul Dunbar (1872-1906) was a black poet and novelist who won wide critical acclaim before World War I. His father, an escaped slave, enlisted in the 55th Massachusetts Infantry, a black regiment that served in the Civil War. Appropriately for the spirit of Lincoln's thought, he is pictured holding a document with words from the Declaration of Independence written on it.

tion or importation of such persons as any of the States NOW EXISTING, shall think proper to admit," &c. These are the only provisions alluding to slavery. Thus, the thing is hid away, in the constitution, just as an afflicted man hides away a wen or a cancer, which he dares not cut out at once, lest he bleed to death; with the promise, nevertheless, that the cutting may begin at the end of a given time. [Roy Basler, ed., *The Collected Works of Abraham Lincoln* (New Brunswick: Rutgers University Press, 1953), II, 274.]

Reading Livermore's pamphlet is almost like reading the notes for a Lincoln speech.

Though the argument was scholarly and the circumstances of its original presentation far removed from the seat of power in Washington, Livermore's *Historical Research* was not an historical apology for past governmental measures—however much it may sound like one. It was, on the contrary, a carefully structured argument for change, some would have said for revolutionary change. When Livermore first read his paper before the Massachusetts Historical Society, it was by no means clear that the Lincoln administration would take any measures at all to affect the institution of slavery.

It was even less clear at the time whether free blacks would be allowed to serve in the armed services of the United States. As recently as August 4, 1862, Lincoln had told a delegation from Indiana offering two regiments of black soldiers for the Northern armies that he was not ready to enlist blacks, because such action "would turn

50,000 bayonets from the loyal Border States against us that were for us." By January 1, 1863, though, Lincoln was ready; he tacked on to the official Emancipation Proclamation issued that day this declaration: "And I further declare and make known that such persons of suitable condition will be received into the armed service of the United States to garrison forts, positions, stations and other places, and to man vessels of all sorts in paid service." In between, Lincoln had apparently read Livermore's pamphlet.

As Benjamin Quarles describes it in *Lincoln and the Negro* (New York: Oxford University Press, 1962), Charles Sumner sent Livermore's pamphlet to Lincoln in November. Sumner wrote another correspondent that the pamphlet had interested Lincoln. On December 24, 1862, Lincoln apparently told Sumner that he had mislaid Livermore's pamphlet, and Sumner gave him his own copy on Christmas Day. At the time, Lincoln was working with Sumner on the wording of the official proclamation. Moreover, Brown University owns a copy of Livermore's *Historical Research*, inscribed by the author to the President.

The second part of Livermore's pamphlet dealt with the subject of "Negroes as Soldiers." The approach to this subject was the same as that taken in the first part of the pamphlet, but the territory was not nearly so familiar. In fact, Livermore was probably doing pioneer research in this field:

A question of much importance is presented to our



National Government at this time respecting the employment of negroes as soldiers. Those on whom devolves the responsibility of suppressing this monstrous Rebellion, must ultimately, and at no distant day, decide the matter. In their decision, they will undoubtedly be influenced by a regard to the usage and experience, in this respect, of those who directed our military affairs in the war of Independence, as well as by a consideration of the probable effect of their action on our loyal soldiers, and on the armed traitors who are arrayed against them.

It is not strange that the President, on whom, more than on all others, rests the responsibility of taking the final step in this direction, should pause a while to consider the subject in all its bearings, and to allow public opinion to shape itself more distinctly, that his decision, when made, shall have from the Nation a cordial and general support.

Thus did Livermore rather gingerly approach the problem, duly noting Lincoln's stated objections, but addressing himself to another argument in a form that he perhaps knew Lincoln, who professed to "love the sentiments of those old-time men," would find compelling.

As in the first part, Livermore had to sidestep some official policies and legal enactments, and he even found "an historic parallel" in this: "It may be well to observe, that what has caused so much complaint in the management of the present civil war—the apparently vacillating action and unsettled policy of the administration and the army with regard to the use of negroes as soldiers—is not without a precedent . . . in the annals of the Revolutionary War." Negroes were officially barred from the Continental army by this resolution early in the conflict:

The officers are to be careful not to enlist any person suspected of being unfriendly to the liberties of America, or any abandoned vagabond, to whom all causes and countries are equal and alike indifferent. The rights of mankind and the freedom of America will have numbers sufficient to support them, without resorting to such wretched assistance. Let those who wish to put shackles upon freemen fill their ranks with such miscreants, and place their confidence in them. Neither negroes, boys unable to bear arms, nor old men unfit to endure the fatigues of the campaign, are to be enlisted.

George Washington came to the black soldiers'—and indirectly to Livermore's—rescue by writing to the President of Congress on December 31, 1775:

It has been represented to me, that the free negroes who have served in this army are very much dissatisfied at being discarded. As it is to be apprehended that they may seek employ in the Ministerial Army, I have presumed to depart from the resolution respecting them, and have given license for their being enlisted. If this is disapproved of by Congress, I will put a stop to it.

A meeting of the general officers of the Continental army also resolved to exclude blacks from enlistment, but in regard to free Negroes this was ignored, apparently. Congress decided in Washington's favor on January 16, 1776: "That the free negroes, who have served faithfully in the army at Cambridge, may be re-enlisted therein, but no others."

More important, various colonies pursued different policies in regard to the use of blacks as soldiers. Some rewarded slaves who enlisted with freedom. In Rhode Island, for example, the General Assembly in February, 1778,

*Voted and Resolved*, That every able-bodied negro, mulatto, or Indian man slave, in this State, may enlist into either of the said two battalions to serve during the continuance of the present war with Great Britain: that every slave so enlisting shall be entitled to and receive all the bounties, wages, and encouragements allowed by the Continental Congress to any soldier enlisting into their service.

*It is further Voted and Resolved*, That every slave so enlisting shall, upon his passing muster before Col. Christopher Greene, be immediately discharged from the service of his master or mistress, and be absolutely FREE, as though he had never been incumbered with

any kind of servitude or slavery. And in case such slave shall, by sickness or otherwise, be rendered unable to maintain himself, he shall not be chargeable to his master or mistress, but shall be supported at the expense of the State.

Livermore also documented exciting instances of black patriots in the cause of American independence, from the death of Crispus Attucks at the Boston Massacre to the defense of Colonel Greene by black soldiers at Points Bridge, New York in May of 1781.

Everything, of course, was meant as a lesson for the present. "Two or three incidents in the earliest conflicts with the British troops," wrote Livermore, "will show how little prejudice there was against negroes at the commencement of the war, and how ready the citizens generally then were, not only to secure their services as fellow-soldiers, but to honor them for their patriotism and valor." He quoted the historian George Bancroft's assessment of the place of the blacks in the Revolutionary experience:

Nor should history forget to record, that as in the army at Cambridge, so also in this gallant band [at Bunker Hill], the free negroes of the Colony had their representatives. For the right of the free negroes to bear arms in the public defense was, at that day, as little disputed in New England as their other rights. They took their place, not in a separate corps, but in their ranks with the white man; and their names may be read on the pension-rolls of the country, side by side with those of other soldiers of the Revolution.

He also included some digs at the South:

Although slavery existed throughout the country, it is a significant fact, that the principal opposition to negro soldiers came from the States where there was the least hearty and efficient support of the principles of Republican Government, and the least ability or disposition to furnish an equal or fair quota of white soldiers.

South Carolina and Georgia contained so many Tories, at one time, that it was supposed the British officers, who elsewhere would, by proclamation, free all negroes joining the Royal Army, might hesitate to meddle with them in these Colonies, lest "the king's friends" should suffer thereby.

Livermore's historical brief perhaps fell a bit short of its mark. In the Civil War Negroes served in black units and most often with white commissioned officers. Black soldiers at first received ten dollars a month, three dollars of which could be deducted for clothing; the white soldier received thirteen dollars a month plus clothing. Eventually, however, Congress equalized the pay of black and white soldiers.

Probably about 180,000 Negroes served as soldiers (officially called "United States Colored Troops") in the Civil War. They were used for scouting in cases where they knew the Southern terrain well and for spying where they could pass as slaves. At first they tended to be assigned to a great deal of garrison duty. Nonetheless, black soldiers saw major action as early as May 27, 1863, at Port Hudson, Louisiana. They carried out a famous assault at Fort Wagner in South Carolina on July 18, 1863, and fought at Petersburg. In all, black soldiers participated in 250 actions in the Civil War. More than 35,000 Negroes died of disease or hostile action during the war. Although most black troops served under white officers, about one hundred Negroes became commissioned officers during the Civil War. Abraham Lincoln never regretted his decision to endorse the use of black soldiers in the Union forces, a use which he termed "very important, if not indispensable," to the Union cause. After about one year's trial of the new soldiers, Lincoln could say, "So far as tested, it is difficult to say they are not as good soldiers as any."

It is always treacherous ground to prove that a book influenced a man; it is hard to prove even that someone read a book. Still, we do know at least that the argument was the sort that might have appealed to Lincoln. It was the sort he might have used himself had he had to prepare a long speech justifying the clause in the Emancipation Proclamation endorsing the use of blacks as soldiers in the Union armies.





# Lincoln Lore

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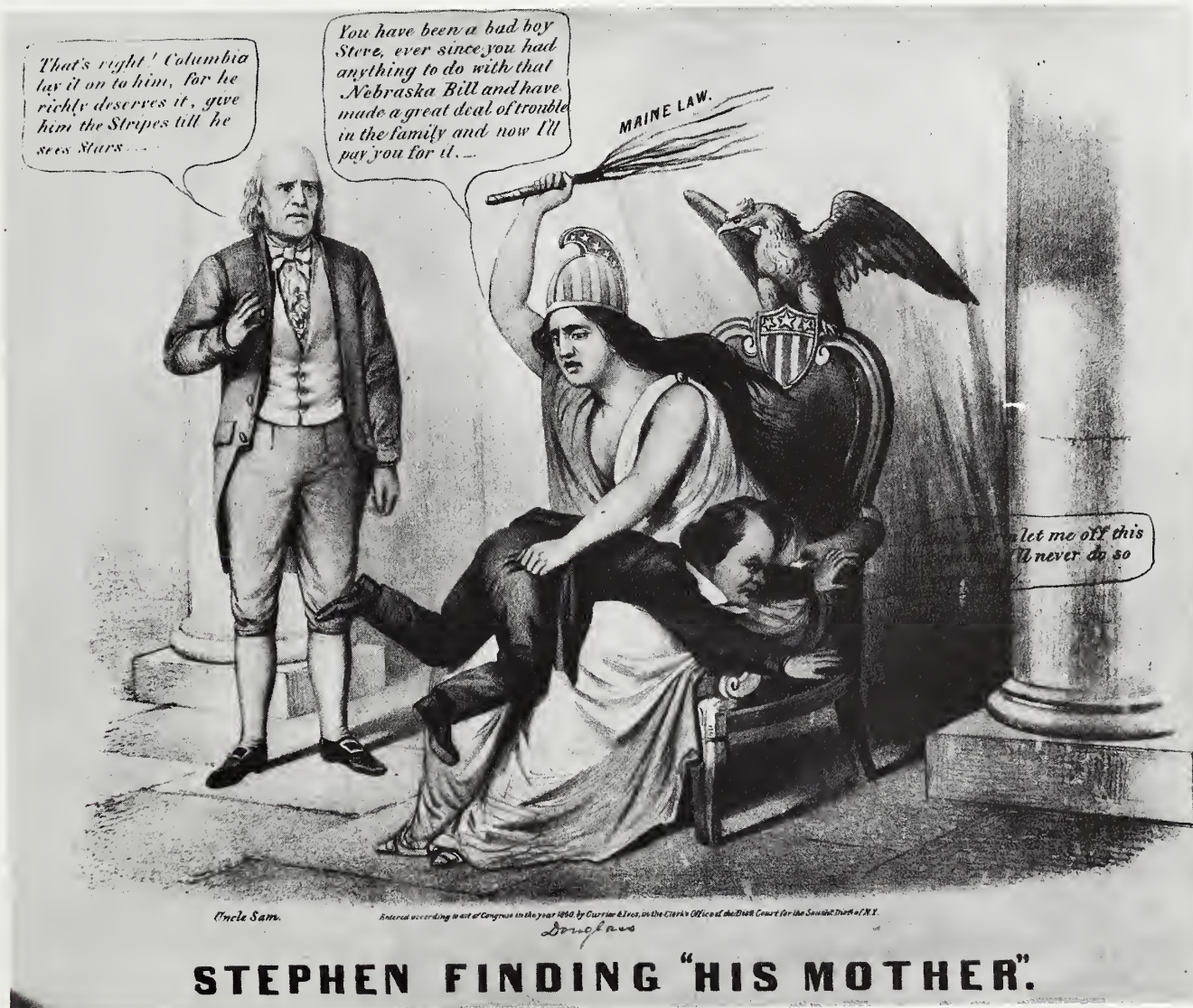
## LINCOLN, DOUGLAS AND THE "MAINE LAW"

Editor's Note: I am heavily indebted to Michael Fitzgibbon Holt's *Forging a Majority: The Formation of the Republican Party in Pittsburgh, 1848-1860* (New Haven: Yale University Press, 1969) for the interpretation of the origins of the Republican Party discussed below. I also owe a debt to Eric Foner's *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (New York: Oxford University Press, 1970). William H. Townsend's *Lincoln and Liquor* (New York: The Press of the Pioneers, 1934) supplied many of the specificities of Lincoln's relationship to the temperance crusade. Clifford S. Griffin's *Their Brothers' Keeper: Moral Stewardship in the United States, 1800-1865* (New Brunswick: Rutgers University Press, 1960) and Stephen Hess and Milton Kaplan's *The Ungentlemanly Art: A History of American Political Cartoons* (New York: Macmillan, 1968) were helpful for the impact of the Maine

Law and the use of cartoons, respectively. Other more specific items of indebtedness are noted in the text.

The following is, of course, a highly speculative matter of interpretation, but I know of no other treatment of the document in question. M. E. N., Jr.

Anyone who has looked at the political cartoons generated by the campaign of 1860 knows from the haunting presence of the anonymous black faces in those cartoons (otherwise remarkable for the almost photographic likenesses of politicians) that there was more to sectional conflict than disputes over the relative benefits of pro-



From the Lincoln National Life Foundation



tective tariffs and homestead legislation. Political cartoons can betray with forceful impact issues and controversies slighted or forgotten by historians who examine conventional campaign documents like formal party platforms. The problem, of course, is to interpret the picture correctly, and it is an especially difficult problem when the cartoon utilizes puns or veiled references to now-forgotten scandals and headlines of the day. Both the virtue and the difficulty of using political cartoons are well illustrated by the Currier and Ives political cartoon pictured on the front of this bulletin.

Nathaniel Currier and James Merritt Ives employed artists to draw cartoons critical of all candidates in a presidential contest. In some cases, the same artist drew cartoons both for and against a candidate; Louis Maurer, for example, did both pro- and anti-Lincoln cartoons even though he apparently voted for Lincoln in 1860. The cartoons were printed in large numbers to sell at bulk rates to interested parties (no doubt to local political headquarters); the cartoons could also be purchased singly. American cartoonists did not go in for caricature, but instead drew scrupulously accurate facial likenesses and depended for humor on the improbable physical situation the candidates were involved in — in this case, Stephen Douglas's being whipped by his "marm," Columbia, the female personification of the United States.

A cartoon like this one, recently added to the Library and Museum's collection, serves to remind us of forgotten controversies and headlines, but requires considerable exegesis for that very reason: the issue is forgotten or obscure today. The caption is a case in point. The situation was suggested by the improbable explanations offered for Douglas's behavior in the 1860 campaign. As a carry-over from colonial political ideals, Americans in the nineteenth century held that the office should seek the man rather than the man the office. American presidential candidates did not take to the stump for themselves or for their party before 1860. Stephen Douglas broke precedent in campaigning vigorously for his election to the presidency in 1860. The shock to contemporary American assumptions about seemingly political behavior is documented in the cartoon below and in the lame excuse offered by some Democrats that Douglas was giving speeches on the way to visit his mother's home. From this controversy stemmed the situation in the recently acquired cartoon as well.

Having found "his mother," Douglas was administered a whipping, according to this cartoon, but not, apparently, just because he had breached political decorum by seeking the office actively. It is the "Maine Law" with which Columbia administers the lashing. Again, the issue seems obscure.

In 1851, Maine passed the first state-wide prohibition law forbidding the manufacture and sale of alcoholic beverages. It was an important event, symbolizing a radical turn in American sentiments about the consumption of alcoholic beverages. Contrary to popular opinion, America has not had a long anti-liquor heritage. To say "teetotalism" is "puritanical," for instance, is a mis-

nomer, for the New England Puritans drank substantial quantities of wine and rum. Hoping to live simply in the world but not of it, they held an ideal of moderation in alcoholic consumption. Moderation (in everything) was the ideal of the eighteenth-century in America, and such "enlightened" American thinkers as Benjamin Franklin thought that one should not drink to excess or impair that faculty which separated man from the animals, reason.

It would be more proper to call teetotalism "Victorian," for prohibition sentiment dates from the nineteenth century, in particular, from the enthusiastic revivals of America's Second Great Awakening. The crucial move in this change of sentiment was the identification of the consumption of alcohol as a *sin*. By the 1830's, an ever-increasing number of Americans thought that drinking held back the millennium, and that the person who aspired to a virtuous life must say "no" to any proffered drink.

The Maine Law also signalled a move from moral suasion to legal coercion as the way to encourage the defeat of the sin of drunkenness. It split the anti-liquor movement (already split between old-fashioned advocates of temperance and advocates of total abstinence), and it also had cataclysmic effects on American political parties. The "Maine Law Agitation," as it was sometimes called, spread immediately to Vermont, which passed a prohibition measure in 1852 endorsed by an 1853 referendum. The legislatures of Michigan and Wisconsin produced prohibition measures in 1853; these too were endorsed by referendum.

Significantly, when the Maine Law agitation hit Illinois in the early 1850's, Abraham Lincoln and Stephen Douglas could be found on different sides of the question. That is not to say that Lincoln was a Maine Law man (though some have claimed he was) or that Douglas was a drunkard (though some have claimed he was). But Lincoln, who was by all reports abstinent in his personal drinking habits, did, in 1853, place his name with that of thirty-eight other Springfield citizens requesting the publication of a sermon by the Reverend James Smith entitled "*A Discourse on the Bottle — Its Evils, and the Remedy; or, A Vindication of the Liquor-Seller, and the Liquor Drinker, from Certain Aspersions Cast upon Them by Many*," delivered before a convention of the Maine Law Alliance in Springfield. One should not jump to the conclusion from the title that the *Discourse* justified liquor sellers and drinkers. On the contrary, it attacked them, but it pointed to the legislature which gave the liquor seller the legal authority to traffic in spirits and the people of whom they were the servants as the ultimate culprits responsible for the drunkard. The letter was non-committal in regard to the substance of the lecture, and, perhaps significantly, referred to "temperance" rather than total abstinence or prohibition:

Rev. James Smith, D. D.: Springfield, January 24, 1853.

Sir:—The undersigned having listened with great satisfaction to the discourse, on the subject of temperance, delivered by you on last evening, and believing, that, if published and circulated among the people, it would be productive of good; would respectfully request a copy thereof for publication. Very Respectfully, Your friends:

Simeon Francis,	R. F. Ruth,	G. Jayne,
Thomas Lewis,	J. B. McCandless,	J. C. Planck,
John Irwin,	C. Birchall,	John E. Denny,
A. Camp,	J. B. Fosselman,	W. M. Cowgill,
E. G. Johns,	Henry M. Brown,	D. E. Ruckel,
John Williams,	Thomas Moffett,	Thomas M. Taylor,
John T. Stuart,	B. S. Edwards,	John A. Chesnut,
A. Maxwell,	Thomas Alsop,	Mat. Stacy,
H. Vanhoff,	W. B. Cowgill,	H. S. Thomas,
D. Spear,	M. Greenleaf,	B. B. Brown,
Reuben Coon,	James W. Barret.	William F. Aitkin,
Henry Yeakle,	P. Wright,	Allen Francis,
E. B. Pease,	S. Grubb, sr.,	A. Lincoln.

[Roy Basler, ed., *The Collected Works of Abraham Lincoln*, II (New Brunswick: Rutgers University Press, 1953), 188.]

Though it is impossible to prove conclusively from available evidence whether Lincoln was a prohibitionist or not, it is certain that he was at least a temperance advocate. In fact, the signing of the letter to James



"TAKING THE STUMP" OR STEPHEN IN SEARCH OF HIS MOTHER.



Smith culminated more than ten years' interest in the temperance movement for Lincoln. As early as 1842, he had addressed a meeting of The Washington Society, a temperance organization founded by reformed drunkards and committed to persuading people to take a pledge to abstain from drinking alcoholic beverages. Lincoln condemned attacks on drunkards as mentally or morally inferior and endorsed temperance advocated by "*persuasion, kind, unassuming persuasion*":

Whether or not the world would be vastly benefitted by a total and final banishment from it of all intoxicating drinks, seems to me not *now* to be an open question. Three-fourths of mankind confess the affirmative with their *tongues*, and, I believe, all the rest acknowledge it in their *hearts*.

Ought *any*, then, to refuse their aid in doing what the good of the *whole* demands? Shall he, who cannot do *much*, be, for that reason, excused if he do *nothing*? "But," says one, "what good can I do by signing the pledge? I never drink even without signing." This question has already been asked and answered more than millions of times. Let it be answered once more. For the man to suddenly, or in any other way, to break off from the use of drams, who has indulged in them for a long course of years, and until his appetite for them has become ten or a hundred fold stronger, and more craving, than any natural appetite can be, requires a most powerful moral effort. In such an undertaking, he needs every moral support and influence, that can possibly be brought to his aid, and thrown around him. And not only so; but every moral prop, should be taken *from* whatever argument might rise in his mind to lure him to his backsliding. When he casts his eyes around him, he should be able to see, all that he respects, all that he admires, and all that [he?] loves, kindly and anxiously pointing him onward; and none beckoning him back, to his former miserable "wallowing in the mire."

But it is said by some, that men will *think* and *act* for themselves; that none will disuse spirits or any thing else, merely because his neighbors do; and that *moral influence* is not that powerful engine contended for. Let us examine this. Let me ask the man who would maintain this position most stiffly, what compensation he will accept to go to church some Sunday and sit during the sermon with his wife's bonnet upon his head? Not a trifle, I'll venture. And why not? There would be nothing irreligious in it: nothing immoral, nothing uncomfortable. Then why not? Is it not because there would be something egregiously unfashionable in it? Then it is the influence of *fashion*; and what is the influence of fashion, but the influence that *other* people's actions have [on our own?] actions, the strong inclination each of us feels to do as we see all our neighbors do? Nor is the influence of fashion confined to any particular thing or class of things. It is just as strong on one subject as another. Let us make it as unfashionable to withhold our names from the temperance pledge as for husbands to wear their wives bonnets to church, and instances will be just as rare in the one case as the other.

"But," say some, "we are no drunkards; and we shall not acknowledge ourselves such by joining a reformed drunkard's society, whatever our influence might be." Surely no Christian will adhere to this objection. If they believe, as they profess, that Omnipotence condescended to take on himself the form of sinful man, and, as such, to die an ignominious death for their sakes, surely they will not refuse submission to the infinitely lesser condescension, for the temporal, and perhaps eternal salvation, of a large, erring, and unfortunate class of their own fellow creatures. Nor is the condescension very great.

In my judgment, such of us as have never fallen victims, have been spared more from the absence of appetite, than from any mental or moral superiority over those who have. Indeed, I believe, if we take habitual drunkards as a class, their heads and their hearts will bear an advantageous comparison with those of any other class. There seems ever to have been a proneness in the brilliant, and the warm-blooded, to fall into this vice. The demon of intemperance ever seems to have delighted in sucking the blood of genius and of generosity. What one of us but can

call to mind some dear relative, more promising in youth than all his fellows, who has fallen a sacrifice to his rapacity? He ever seems to have gone forth, like the Egyptian angel of death, commissioned to slay if not the first, the fairest born of every family. Shall he now be arrested in his desolating career? In that arrest, all can give aid that will; and who shall be excused that *can*, and will not? Far around as human breath has ever blown, he keeps our fathers, our brothers, our sons, and our friends, prostrate in the chains of moral death. To all the living every where, we cry, "come sound the moral resurrection trump, that these may rise and stand up, an exceeding great army"—"Come from the four winds, O breath! and breathe upon these slain, that they may live."

If the relative grandeur of revolutions shall be estimated by the great amount of human misery they alleviate, and the small amount they inflict, then, indeed, will this be the grandest the world shall ever have seen. Of our political revolution of '76, we all are justly proud. It has given us a degree of political freedom, far exceeding that of any other of the nations of the earth. In it the world has found a solution of that long mooted problem, as to the capability of man to govern himself. In it was the germ which has vegetated, and still is to grow and expand into the universal liberty of mankind.

But with all these glorious results, past, present, and to come, it had its evils too. It breathed forth famine, swam in blood and rode on fire; and long, long after, the orphan's cry, and the widow's wail, continued to break the sad silence that ensued. These were the price, the inevitable price, paid for the blessings it bought.

Turn now, to the temperance revolution. In *it*, we shall find a stronger bondage broken; a viler slavery, manumitted; a greater tyrant deposed. In *it*, more of want supplied, more disease healed, more sorrow assuaged. By *it* no orphans starving, no widows weeping. By *it*, none wounded in feeling, none insured in interest. Even the dram-maker, and the dram seller, will have glided into other occupations *so* gradually, as never to have felt the shock of change; and will stand ready to join all others in the universal song of gladness.

And what a noble ally this, to the cause of political freedom. With such an aid, its march cannot fail to be on and on, till every son of earth shall drink in rich fruition, the sorrow quenching draughts of perfect liberty. Happy day, when, all appetites controlled, all passions subdued, all matters subjected, *mind*, all conquering *mind*, shall live and move the monarch of the world. Glorious consummation! Hail fall of Fury! Reign of Reason, all hail!

And when the victory shall be complete — when there shall be neither a slave nor a drunkard on the earth — how proud the title of that *Land*, which may truly claim to be the birth-place and the cradle of both those revolutions, that shall have ended in that victory. How nobly distinguished that People, who shall have planted, and nurtured to maturity, both the political and moral freedom of their species.

[Roy Basler, ed., *The Collected Works of Abraham Lincoln*, I (New Brunswick: Rutgers University Press, 1953), 276, 277, 278-279.]

I say the Smith letter culminated Lincoln's association with temperance agitation advisedly, because after 1853 he was rather conspicuously silent on the issue. When a Maine Law referendum campaign was being vigorously waged in Illinois in 1855, Lincoln was thinking about a Senate seat and apparently took no active part in the prohibition campaign.

Lincoln's silence may have been dictated by the political volatility of the prohibition issue, for volatile it was. In fact, some historians now think that the roots of the Republican Party are to be found not simply in the slavery extension issue but in a whole complex of issues that disrupted the old parties, including slavery extension, prohibition, and nativism. For example, Stephen Douglas, admittedly hardly a reliable witness where Republican intentions are concerned, said in 1855 that the new political movement brought into being by the Kansas-Nebraska Act was "a crucible into which poured Abolitionism, Maine liquor law-ism, and what was left



of northern Whiggism, and then the Protestant feeling against the Catholic and the native feeling against the foreigner." Douglas, incidentally, opposed all the movements he mentioned, opposed the Illinois prohibition law, and, according to his biographers, was himself given to rather frequent and heavy consumption of strong drink. Douglas was not alone in viewing the origins of the Republican Party this way; a Connecticut political observer in 1854, for example, commented on the "political revolution . . . growing out of the excitement in relation to the Kansas-Nebraska outrage, and the Maine Law question."

The State of Indiana provides an interesting example. According to Emma Lou Thornbrough's, *Indiana in the Civil War Era, 1850-1880* (Indianapolis: Indiana Historical Society, 1966), the 1852 state elections saw temperance advocates demanding a Maine Law and urging voters not to vote for candidates of either party who were on record against such legislation. The state legislature in 1853 responded feebly with a local option law allowing each township to decide each year whether to prohibit liquor sales or not. This was declared unconstitutional by the Indiana Supreme Court, and in 1854 prohibition advocates increased their efforts. Significantly, the Democratic Party's state convention responded with a platform plank condemning prohibition legislation. Democrats left their party on account of this plank as well as the Kansas-Nebraska bill, so that — again as Thornbrough points out — disaffected Democrats complained about *two* things: "Democrats Arouse! Those who aspire to be our leaders have betrayed us . . . they have attempted to bind and sell us to the slave driver of the South, and the rum seller of the North." These same groups later merged with Whigs and Know-Nothings to form the Republican Party. Thus some people certainly voted Republican because they identified the Democrats with liquor, whatever they may have thought of the slavery issue.

The anti-Democratic coalition called the People's Party (many of whom would later become Republicans) which gained control of the state legislature in Indiana in the 1854 elections, passed a prohibition law, also struck down by the Indiana Supreme Court in 1855. The same was true in other states as well. Anti-liquor Republicans attempted to pass a prohibition law in Wisconsin in 1855, which was amended by the State Senate to exempt cider, wine, and beer and then vetoed by the Democratic governor. Anti-Nebraska forces in Iowa behind their governor James W. Grimes, an anti-slavery temperance Whig who would become a Republican, also passed a Maine Law, repealed in 1856.

If anti-Democratic forces were so frequently against liquor, then the obvious question is, why did Lincoln become more silent on the temperance issue in the late 1850's? The answer, to make a long story short, is that in most states of the Old Northwest, Republicans quickly hushed up the temperance issue in order to gain the German vote, which could often be attracted to platforms opposing the extension of slavery but which most often opposed prohibition of alcoholic beverages. In Illinois, according to James M. Bergquist in "People and Politics in Transition: The Illinois Germans, 1850-60" (in Frederick C. Luebke, ed., *Ethnic Voters and the Election of Lincoln* [Lincoln, Nebraska: University of Nebraska Press, 1971]), Republicans in the mid-1850's figured it was more important to accommodate the Germans, who otherwise would return to their traditional Democratic voting habits, than the temperance advocates, who would hardly be likely to turn to the anti-prohibition Democratic Party.

With this elaborate background of mid-century political events, the cartoon under discussion takes on considerably more meaning and significance. Obviously the cartoon attests to the fact that prohibition sentiment was not a dead matter for some people even by 1860. Perhaps in localities where the German community was insignificant in number, such a cartoon could have been used to rally prohibitionists against Douglas. About the specific uses of specific cartoons and their volume of distribution in particular areas we at present know very little. But the existence of the cartoon should stand as a warning to historians who would place exclusive emphasis on the slavery issue in the politics of the 1850's and the campaign of 1860.

An interesting postscript to this discussion is suggested by still another Currier and Ives cartoon not in the possession of the Lincoln Library and Museum. Apparently the printers saved some time and money by publishing the same cartoon with the lash carrying the label not of "Maine Law" but of "News from Maine." In 1860, the national election day was not necessarily election day for the states. Pennsylvania and Indiana, two crucial states for the Republicans, voted in October for state offices. Maine was the first state in the Union to vote; their state elections were held in September. Attention out of proportion to the electoral vote was focused on Maine for this reason. Lincoln expressed his concern in a letter to his vice-presidential running mate Hannibal Hamlin on September 4, 1860:

Springfield, Illinois, September 4, 1860.

My dear Sir: I am annoyed some by a letter from a friend in Chicago, in which the following passage occurs: "Hamlin has written Colfax that two members of Congress will, he fears, be lost in Maine—the first and sixth districts; and that Washburne's majority for governor will not exceed six thousand."

I had heard something like this six weeks ago, but had been assured since that it was not so. Your secretary of state, Mr. Smith, I think, whom you introduced to me by letter, gave this assurance; more recently, Mr. Fessenden, our candidate for Congress in one of those districts, wrote a relative here that his election was sure by at least five thousand, and that Washburne's majority would be from 14,000 to 17,000; and still later, Mr. Fogg, of New Hampshire, now at New York serving on a national committee, wrote me that we were having a desperate fight in Maine, which would end in a splendid victory for us.

Such a result as you seem to have predicted in Maine, in your letter to Colfax, would, I fear, put us on the down-hill track, lose us the State elections in Pennsylvania and Indiana, and probably ruin us on the main turn in November.

You must not allow it. Yours very truly, A. Lincoln.  
[From Roy P. Basler, ed., *The Collected Works of Abraham Lincoln*, IV (New Brunswick, New Jersey: Rutgers University Press, 1953), 110.]

Hamlin denied Lincoln's charge, and Maine belied the prediction in the election. The total vote in Maine was the largest ever cast, and all of the Republican congressional candidates won. Thus did the state of Maine administer its lashing to Stephen Douglas.



STEPHEN FINDING "HIS MOTHER."

From the Lincoln National Life Foundation





# Lincoln Lore

May, 1973

Bulletin of The Lincoln National Life Foundation...Mark E. Neely, Jr., Editor. Published each month by The Lincoln National Life Insurance Company, Fort Wayne, Indiana 46801.

Number 1623

## "I like Mr. Whiting very much . . . ."

When Francis Bicknell Carpenter (1830-1900) showed President Abraham Lincoln his nearly completed painting of "The First Reading of the Emancipation Proclamation Before the Cabinet," the painter called particular attention "to the accessories of the picture, stating that these had been selected from the objects in the cabinet chamber with reference solely to their bearing upon the subject." Lincoln commented, "Yes, there are the war maps, the portfolios, the slave map, and all; but the book in the corner, leaning against the chair leg, — you have changed the title of that, I see." Carpenter replied that he had, having at the last moment "learned that you frequently consulted, during the period you were preparing the Proclamation, Solicitor Whiting's work on the 'War Powers of the President,' and as Emancipation was the result in fact of a military necessity, the book seemed to me just the thing to go in there; so I simply changed the title, leaving the old sheepskin cover as it was." Lincoln admitted that "It is all very well that it should be there," but complained that the distinctive binding made it look like "a regular law book."

William Whiting's *The War Powers of the President* was by no means "a regular law book." It was, rather, a passionately charged argument that President Abraham Lincoln's powers as President during the Civil War were as sweeping as the war powers enjoyed by any ruler whose country had been invaded by a hostile power. Carpenter's anecdote, frequently cited as evidence of Lincoln's

powers of observation, is more important as documentation of Lincoln's reliance on Whiting's book.

There is other evidence of a less specific nature. Massachusetts Senator Charles Sumner informed a correspondent at one point during the war that Whiting, who was from Sumner's home state, was "in the full confidence of the President." Gideon Welles, who did not care for Solicitor Whiting, nonetheless recorded in his diary on

July 23, 1863 that Solicitor Whiting "has for several months been an important personage here." Welles said that "even the President" had spoken highly of Whiting and that the Solicitor was "high in the good graces of the President." After the war, Indiana's George W. Julian recalled that he had seen President Lincoln on July 2, 1864 about proposals to confiscate the property "of rebel landholders." Lincoln had been prepared two years previously to veto proposals that affected the property of heirs of Confederates, but he informed Julian on this occasion that "Solicitor Whiting's law argument . . . had changed his view" and that he "would now sign a bill striking at the fee of rebel landholders, if we would send it to him." Of course, Julian's recollections may have been colored by the political demands of the years of Reconstruction that intervened since his meeting with the President. But as late as March 25, 1865, Lincoln wrote Secretary of War Edwin Stanton in reply to Stanton's permission to accept Whiting's resignation, "I like Mr. Whiting very much, and hence would wish him to remain or re-



KEY TO THE PICTURE

### THE MEN

1. PRESIDENT LINCOLN.
2. WILLIAM H. SEWARD, Secretary of State.
3. SALMON P. CHASE, Secretary of Treasury.
4. EDWIN M. STANTON, Secretary of War.
5. GIDEON WELLES, Secretary of Navy.
6. EDWARD BATES, Attorney-General.
7. MONTGOMERY BLAIR, Postmaster-General.
8. CALDER B. SMITH, Secretary of Interior.

### ACCESSORIES

9. Photograph of Simon Cameron, Ex-Sec. War.
10. Portrait of Andrew Jackson.
11. Parchment Copy of the Constitution.
12. Map of Seat of War in Virginia.
13. Map showing Slave Population in gradual light and shade.
14. War Department Portfolio.
15. Story's "Commentaries on the Constitution."
16. Whiting's "War Powers of the President."
17. New York Tribune.
18. Two volumes Congressional Globe.

The room is the Official Chamber of the White House, in which all Cabinet meetings are held, and in which the President receives calls upon official business.

From the Lincoln National Life Foundation

Francis Bicknell Carpenter made a pencil sketch with a key for his painting. The key reproduced here appeared in Fred B. Perkins, *The Picture and The Men* (New York: A. J. Johnson, 1867). There is little about the painting in Perkins's book that does not appear in Carpenter's *Six Months at the White House with Abraham Lincoln: The Story of a Picture* (New York: Hurd and Houghton, 1866). Perkins characterized himself as an "extreme Radical." He may well have liked some of the ideas expressed in item 16 of the key; that item is the subject of this *Lincoln Lore*.



sign as best suits himself." There are few letters from William Whiting in the Robert Todd Lincoln Papers, and those are of a routine nature, requesting Secretary John Nicolay to lay some matter or other before the President. Still, Whiting was the legal adviser of the War Department and could have seen Lincoln personally in Washington.

Lincoln's association with the views of William Whiting is of no small importance, though it has only recently received the attention it deserves in Herman Belz's *Reconstructing the Union: Theory and Policy during the Civil War* (Ithaca: Cornell University Press, 1969). Whiting wrote three essays, one on the President's war powers, another on the specific question of military arrests in the North, and the third on the divisive question of reconstruction. All three appear in the book in the Lincoln Library and Museum's collection. As the picture below shows, this was the eighth edition. In the decade after its original publication in 1862, Whiting's *War Powers of the President*, went through an amazing forty-three editions; its longevity and popularity no doubt stemmed from the fact that it addressed constitutional questions that remained important during the Reconstruction period. Since Whiting was still in the President's good graces as late as 1865, it seems safe to explore all the matter in the book rather than just the material that bore on the question of emancipation.

Lincoln biographer James G. Randall in his *Constitutional Problems under Lincoln* sniffed that "defective reasoning" ran "through the whole of Whiting's treatment," but Whiting's book is perhaps better characterized as a case of special pleading. Gideon Welles did not like Whiting's views any better than Randall did many years later, but he captured the flavor of Whiting's work a little better, when he wrote: "He is ready with expedients, but not profound in his opinions, is a plausible advocate rather than a correct thinker, more of a patent lawyer than a statesman."

Whiting's argument was a brief for his case and not a balanced and detached analysis of the constitutional issues provoked by the Civil War. Whether his reasoning was faulty or not, knowing what he said will be an aid to fathoming Lincoln's complex and changing attitudes towards the Civil War as a constitutional crisis.

Whiting's was the tough and simplistic reasoning of wartime mobilization. He defended "the right to appropriate private property to public use, and to provide compensation therefor . . . ; the power of Congress to confiscate enemy's property as a belligerent right; the power of the President, as commander-in-chief, as an act of war, to emancipate slaves; . . . the power of Congress to pass laws to aid the President, in executing his military duties, by abolishing slavery, or emancipating slaves, under Art. I Sect. 8, Cl. 18, as *war measures*, essential to save the country from destruction . . ." Moreover, he claimed that these powers by no means depended "upon the adoption of the most liberal construction of the constitution"; one need not rely on the broad grant of power in Article I. Section 8, Clause 1, "to provide for the common defence and general welfare." Whiting even suggested that Congress might have a peacetime right to abolish slavery: "Yet cases might arise in which, in time of peace, the abolishment of slavery might be necessary, and therefore would be lawful, in order to enable Congress to carry into effect some of the express provisions of the constitution, as for example, that contained in Art. IV. Sect. 4, Cl. 1, in which the United States guarantee to every State in the Union a republican form of government; or that contained in Art IV. Sect. 2, Cl. 1, which provides that citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." Radicals became increasingly interested during the Civil War in the guarantee of a republican form of government as a route to Congressional power over what had been thought to be domestic institutions. But this was a very liberal construction indeed, since (1) the founding fathers clearly thought slavery was no such violation of this constitutional guarantee and (2) in the eighteenth century a republican government was any government without a king. It is doubtful that Lincoln ever thought much of this argument, and Whiting himself merely mentioned it as a possibility.

Much of Whiting's reasoning did rely on doing what

James G. Randall claimed in *Constitutional Problems under Lincoln* "American constitutional lawyers do not, in general" do, that is, "cite the phraseology of the preamble as equivalent to a grant of power to Congress." Thus Whiting described the general situation in the Civil War this way: "A handful of slave-masters have broken up that Union, have overthrown justice, and have destroyed domestic tranquility. Instead of contributing to the common defence and public welfare, or securing the blessings of liberty to themselves and their posterity, they have waged war upon their country, and have attempted to establish, over the ruins of the Republic, an aristocratic government founded upon Slavery." Despite rather loose constructions, Whiting was careful to distinguish emancipation as a "means" of war from emancipation as an "object" of war, arguing only for the former power. Yet he did at one point admit that his was in general a liberal construction in a passage which better than any other explained the Solicitor's general view of the American Constitution:

Those who have contended for the most narrow and technical construction, having stuck to the letter of the text, and not appreciating the spirit in which it was framed, are opposed to all who view it as only a *frame* of government, a *plan-in-outline*, for regulating the affairs of an enterprising and progressive nation. Some treat that frame of government as though it were a cast-iron mould, incapable of adaptation or alteration—as one which a blow would break in pieces. Others think it a hoop placed around the trunk of a living tree, whose growth must girdle the tree, or burst the hoop. But sounder judges believe that it more resembles the tree itself,—native to the soil that bore it,— . . . putting forth branches of its own growth, and flourishing with eternal verdure . . . By a liberal construction of the constitution, our government has passed through many storms unharmed.

Whiting was only one of many in the North who were changing their views of what a constitution was during the American Civil War.

Since practically everything Whiting recommended was a war measure, his interpretation stood or fell on the complex question of whether the United States was, by the technical standards of international law, actually at war. The Lincoln administration never forthrightly claimed that it was at war, since to do so would imply that the Confederacy was a nation. On the other hand, the Lincoln administration did not treat the Civil War as merely a domestic rebellion or insurrection either. To have followed the latter course would have made the blockade illegal and would have meant hanging Confederate prisoners rather than treating them as prisoners of war. Moreover, Congress never declared war.

Such delicate complexities did not phase Solicitor Whiting in the least. He stated flatly that a declaration of war was not necessary to give the government "full belligerent powers." To him, it was all very simple: "Wars may be divided into two classes, foreign and civil. In all civil wars the government claims the belligerents, on both sides, as subjects, and has the legal right to treat the insurgents both as subjects and as belligerents; and they therefore may exercise the full and untrammelled powers of war against their subjects . . ." His case rested more on fact than on law: "The government have in fact treated the insurgents as *belligerents* on several occasions, without recognizing them in express terms as such. They have received the capitulation of rebels at Hatteras, as prisoners of war, *in express terms*, and have exchanged prisoners of war as such, and have blockaded the coast by military authority, and have officially informed other nations of such blockade, and of their intention to make it effective, under the present law of nations." Whiting concluded that, "Having thus the full powers and right of making and carrying on war against rebels, both as subjects and as belligerents, this *right* frees the President and Congress from the difficulties which might arise if rebels could be treated *only* as SUBJECTS, and if *war* could not be waged upon them."

Though Whiting's view certainly was favorable to sweeping powers for the commander-in-chief, he did not neglect to point out that these powers were not exclusively the executive's. "The right of the Executive to strike this blow against his enemy," he said, "does not



deprive Congress of the concurrent right or duty to emancipate enemy's slaves, if in *their judgment* a civil act for that purpose is required by public welfare and common defence, for the purpose of aiding and giving effect to such war measures as the commander-in-chief may adopt." Whiting's views on the suspension of the writ of *habeas corpus*, however, did redound mostly to the President's benefit and rather slighted Congress's role. In this area, Whiting was harsher, relying on the doctrine that only "Necessity arbitrates the rights and the methods of war." Therefore it did not matter how far the neighborhood of the act in question was from the actual battles or whether the party in question was engaged in any *overt* act. The only question was whether the person's being at large would "tend to *impede*, embarrass, or hinder the *bona fide* military operations in creating, organizing, maintaining, and most effectually using the military forces of the country." As for Congress, this simply was not a field in which it was adept. Said Whiting: "The facts on which public safety in time of civil war depends can be known only to the military men, and not to the legislatures in any special case. To pass a law as to each prisoner's case, whenever public safety required the privilege of the writ to be suspended, would be impracticable."

The specific argument concerning emancipation as a right of war rested heavily on arguments former President John Quincy Adams had used when he returned to Washington to be a Representative in the House. Over twenty years before the Civil War, Adams had argued that the law of nations sanctioned emancipation of the enemy's slaves as a legitimate act of war. A particularly powerful example of this had been the actions of three British commanders in the American Revolution. They

had offered freedom to slaves who would join them against the colonists. In the War of 1812, Great Britain used the same tactic again, and the liberated slaves were carried away to Britain in violation of the express terms of the Treaty of Ghent. France had exercised the same power in Santo Domingo, and in Colombia, slavery had been abolished by the military command of General Bolivar. Moreover, the United States itself had in 1814 used slaves as laborers in the Battle of New Orleans without compensating the masters for the slaves who were killed as a result of this action. In the Seminole wars, the United States Army had rewarded slaves who acted as spies and scouts with their freedom and treated captured slaves who were fighting with the Indians as prisoners of war and not as property to be returned to their masters. Here Whiting was at his lawyerly best, citing precedents for Lincoln's actions, but the ground had already been well laid out by John Quincy Adams years earlier.

By January 1, 1863, of course, almost all of Solicitor Whiting's arguments had become apologies rather than suggestions for the future. With the exception of Congress's acting to abolish slavery, the rest had become history. The Lincoln administration had emancipated slaves by exercise of the President's war powers, and there had been so many arrests in the North without charges that Lincoln was accused in some (Democratic) circles of becoming a dictator. But what Whiting chose to write about in July of 1863 would remain a hotly contested issue for years to come. In his letter on the "Return of Rebellious States to the Union," Whiting informed the Union League of Philadelphia about his views on reconstruction.

The message of Whiting's letter was, as usual, simple: "Beware of committing yourselves to the fatal doctrine of recognizing the existence in the Union, of States which have been declared by the President's Proclamation to be in rebellion. For, by this new device of the enemy, this new version of the poisonous State rights doctrine, the secessionists will be able to get back by fraud what they failed to get by fighting." In this area, perhaps even more than the others, the constitutional questions were confusing in the extreme, but Solicitor Whiting simplified them. According to Whiting, the Supreme Court decision in the case of the *Hiawatha* (March 9, 1863) determined in effect that at least since July 13, 1861, the United States had been involved in a "territorial war" against the Confederate States, and that the laws of war thus converted all citizens of a hostile State into a public enemy. As a result, said Whiting, "every citizen residing in the belligerent districts became a public enemy irrespective of his private sentiments, whether loyal or disloyal, friendly or hostile, Unionist or secessionist, guilty or innocent."

The practical effect of this constitutional argument was to make it possible for the United States to demand that the seceded States meet certain conditions before they could become states of the United States again. If the war were seen merely as a rebellion of certain disaffected citizens, then when the rebellion was quelled the seceded States immediately became States again, with all the legal privileges and immunities from federal action that Massachusetts or Illinois enjoyed. If the war was in some sense a war against a hostile territory, on the other hand, then the status of the territory once the war was over was much less clear, and Congress or the President could perhaps exert powers over the area which they certainly could not exert if the area had become immediately States of the Union again. Significantly, Whiting showed no interest in saying which — the President or Congress — had the powers.

Uppermost in Whiting's mind, of course, was the question that had interested him all along: "If you concede State rights to your enemies, what security can you have that traitors will not pass State laws which will render the position of the blacks intolerable, or *reduce them all to slavery*?" He ended the letter with this policy recommendation:

One of two things should be done in order to keep faith with the country and save us from obvious peril. Allow the inhabitants of conquered territory to form themselves into States, only by adopting constitutions such as will forever remove all cause of collision with the United States, by excluding slavery therefrom,

THE  
WAR POWERS OF THE PRESIDENT,  
MILITARY ARRESTS,  
AND  
Reconstruction of the Union.

BY  
WILLIAM WHITING.

Eighth Edition.

BOSTON:  
JOHN L. SHOREY,  
WASHINGTON STREET.  
1861.

From the Lincoln National Life Foundation

This is the title page of William Whiting's book. The Lincoln Library and Museum owns a copy of the eighth edition in its special collection of books that Lincoln read. This collection is currently undergoing an evaluation to determine as nearly as possible what evidence historians have that Lincoln read the books on social and political topics.





From the Lincoln National Life Foundation

Carpenter's painting shows more clearly than the later engravings of it Lincoln's placement with what the painter called the "radical" faction of the cabinet. Lincoln is grouped with Stanton and Chase; Welles, Seward, Bates, Blair, and Smith form the "conservative" group. The portrait of Simon Cameron, Stanton's predecessor as Secretary of War, appears with the "radical" group because he was, according to Fred B. Perkins, "the first member of the Cabinet to avow the radical belief as to what should be done with the negro in the war." On the other hand, Andrew Jackson's portrait appears above Welles's head. Jackson's opposition to Nullification earned him a place in the picture, but his views on slavery necessarily separated him from the Chase and Stanton group.

or continue military government over the conquered district, until there shall appear therein a sufficient number of loyal inhabitants to form a republican government, which, by guaranteeing freedom to all, shall be in accordance with the true spirit of the constitution of the United States.

To say that Lincoln liked William Whiting, of course, is not to say that he endorsed all of Whiting's ideas. Some of those ideas Lincoln surely did not like. Lincoln never thought Congress could in peacetime touch slavery in the States where it already existed. Lincoln also clung in certain specific instances to the view that reconstruction was a question of individual loyalties to be restored. Thus his famous "ten-per cent plan" envisioned a nucleus of loyal individuals who would bring the seceded State quickly back into its normal relations to the United States government. Lincoln's Proclamation of Amnesty and Reconstruction of December 8, 1863, issued less than six months after Whiting had made his views on reconstruction known, rested not on any belligerent rights over conquered hostile territory or public enemies but on the President's pardoning power — that is, on his own power to judge when the disloyal individuals had ceased disloyalty and become *ipso facto* normal United States citizens. But, as Herman Belz points out, Lincoln came closer to Whiting's views than one might imagine from reading Randall's *Constitutional Problems under Lincoln* or T. Harry William's *Lincoln and the Radicals*. On the most important substantive point, the Proclamation of Amnesty and Reconstruction agreed with Whiting's "Return of Rebellious States to the Union": both thought emancipation had to be a condition of reconstruction. Lincoln's proclamation required those seeking amnesty to "abide by and faithfully support all acts of Congress . . . and proclamations of the President made during the existing rebellion having

reference to slaves." To allow anything else, Lincoln thought, would be "a cruel and astonishing breach of faith." Moreover, Lincoln indicated only that it was "not improper" that previous state boundaries and state constitutional and legal provisions and customs be retained by reconstructed states. Nor did he rule out plans of reconstruction other than the one he announced in the Proclamation of Amnesty and Reconstruction as live possibilities.

Historians and Lincoln biographers have been too quick to draw members of the Republican party as divided into distinct factions with clearly delineated policies of reconstruction during the Civil War. Ideas were in a state of flux throughout the period, and that goes for Abraham Lincoln's ideas as well. Whatever their policy differences, Lincoln still liked Solicitor Whiting "very much" as late as 1865. Moreover, their policy differences were not as extreme as one might think. When Francis Bicknell Carpenter painted "The First Reading of the Emancipation Proclamation Before the Cabinet," he not only included Whiting's *War Powers of the President* as an important "accessory" to that momentous historical event, but he also included this symbolic message which he described in his book *Six Months at the White House with Abraham Lincoln: The Story of a Picture* (New York: Hurd and Houghton, 1866):

There was a curious mingling of fact and allegory in my mind, as I assigned to each his place on the canvas. There were two elements in the Cabinet, the radical and the conservative. Mr. Lincoln was placed at the head of the official table, between two groups, nearest that representing the radical, but the uniting point of both.

Editor's Note: I am much indebted to Herman Belz's *Reconstructing the Union: Theory and Policy during the Civil War* (Ithaca: Cornell University Press, 1969). M. E. N., Jr.





# Lincoln Lore

August, 1973

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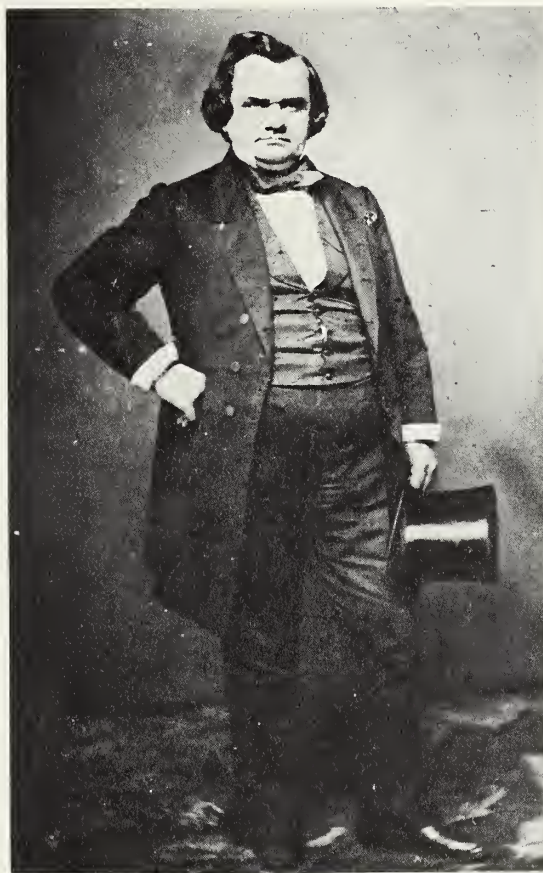
Number 1626

## ROBERT W. JOHANNSEN ON STEPHEN A. DOUGLAS A REVIEW

In the preface to *Stephen A. Douglas* (New York: Oxford University Press, 1973), Robert W. Johannsen observes—by way of explaining the difficulties involved in writing a biography of a man who was “not introspective”—that “in Douglas’ story is revealed the America in which he lived.” Nevertheless, Johannsen’s is not a sweeping reinterpretation of the causes of the Civil War with Douglas as merely a handy focal point like George Fort Milton’s earlier (1934) biography, *The Eve of Conflict: Stephen A. Douglas and the Needles War*. Johannsen does focus primarily upon the issues of sectional conflict, devoting two-thirds of the book to treatment of the last eleven years of Douglas’s life (from the Compromise of 1850 to the early days of the Civil War), but Douglas is always front-and-center in the book.

Even though Johannsen’s new biography does not bristle with the contentious language of self-conscious revisionism, it can by no means be said that the book eschews interpretation for objectivity and non-controversial, straightforward narrative. Reviewers who say so were simply fooled, and one would do well to take the advertisements for the book, which have featured blurbs from reviewers who term it “objective” and “magisterial,” with a grain of salt.

In a field so saturated with books and articles as the history of the events leading to the American Civil War, the very choice of subject matter itself often betrays interpretive assumptions. The era of greatest interest in Douglas began, ironically, in 1928 with the publication of a Lincoln biography—Albert Beveridge’s. The hero of that biography was Douglas and not Lincoln. Douglas’s heroic stature was increased by Milton’s above-mentioned book in 1934 and did not begin to diminish until the late 1940’s, when Allan Nevins found Doug-



From the Lincoln National Life Foundation

Stephen A. Douglas was born in 1813 and died in 1861. In his forty-eight years he enjoyed an almost unbelievably successful career. His mother was widowed when Stephen was but an infant, and his early years were not easy. In 1833, he left New York for the West, eventually settling in Jacksonville, Illinois. Douglas became a lawyer and a supreme court judge before he was twenty-eight. In 1843, he won an election for a seat in the United States Congress. In December of 1847, he took his seat as United States Senator from Illinois. In the same year he established residence in Chicago and became closely identified with that city’s commercial prospects. He played a key role in delivering the votes that brought about the Compromise of 1850. From that time on, he was a major contender for the Democratic nomination for President, achieving that goal in 1860, but his own Kansas-Nebraska Act (1854) occasioned the birth of the party that defeated him in that historic election.

las “morally obtuse” on the slavery question. In these years (and after as well) the lion’s share of historical effort in the area of the coming of the Civil War went into study of the Democratic party and Stephen Douglas in the 1850’s. The assumption that lay behind much of this effort was basically nationalistic: the Civil War was bad because it threatened to kill the nation, and what was interesting was to study the last national institution—the Democratic party—to see who tried heroically to keep it together and malevolently or narrowly-mindedly to destroy it. Within this frame of reference, those who compromised to save the Democratic party and the nation from sectional split were heroes; there was something wrong with those who let their abstract moral principles (whether they be pro- or anti-slavery) obscure the overall purpose of saving the nation. With those assumptions one would naturally be drawn to Stephen Douglas, who, as Holman Hamilton showed in 1954, did more than the Great Compromiser himself, Henry Clay, to save the nation as early as the Compromise of 1850.

Certainly much of Johannsen’s interpretive framework stems from that “needless war” school of historians who wrote during the 1930’s. “His interests were national,” says Johannsen of Douglas in the Preface, “and this fact shaped everything he said and did.” Douglas died, he adds, “as his beloved country stood on the threshold of bloody civil war, a casualty of the conflict just as surely as if he had been struck down on the battlefield.” Throughout the book, Johannsen pictures Douglas as a “pragmatist” bent on compromise (Milton used the term “realist” to mean the same thing). Douglas’s political enemies, at least on the slavery question, espouse “abstract” issues or reveal interest in merely “theoretical rights” (Milton’s villains indulged their interest



in "slogans" or "constitutional interpretations," "mystic claims of innate rights, looking on Liberty as a spontaneous creation and asserting rights unconnected with responsibilities," and "metaphysic contemplation of the Federal Constitution"). Johannsen's language is more restrained than Milton's, and he certainly never broaches the concept of a "needless" Civil War, but Milton is still his intellectual ancestor.

The broad interpretive scheme of the book, then, is at least forty years old, and even the general outlines of the biographical scheme are not new. Douglas is pictured as an ambitious politician. Adept at the arts of compromise, even he cannot keep the ardent sectionalists together over the issue of slavery expansion. When push comes to shove, Douglas does not confuse compromise with truckling, and there is an especial grandeur to his career after 1857 and his break with the Buchanan administration (even Nevins admired Douglas's career from this point on). This is the way Johannsen describes Douglas's break with the Buchanan administration on the Kansas issue:

He had been forced as never before to confront the full meaning of the principles on which he stood. His leadership in the party had been placed in jeopardy, but he now appeared before the people as a champion of principle, a role to which he was not altogether accustomed. Douglas found the altered image appealing, and in this sense the Lecompton crisis was a turning point in his career. He became more openly and unabashedly a defender of principle, struggling for popular sovereignty and the Union against increasingly vicious attacks from all sides. Less inclined to compromise than before, he was a man under fire, and the struggle brought out his best qualities.

Douglas grew in the new role, campaigning as much against break up of the Union as for his own candidacy in the 1860 Presidential election and giving the Republicans so much support after secession that he endangered his distinguishability as a Democrat.

Johannsen did not set out to change the landscape of American middle-period historiography or even to alter the basic outlines of Douglas biography. But within his rather old-fashioned scheme Johannsen provides a lucid, subtle, and careful detailing of Douglas's career (I say "career" rather than "life" because the man was so secretive about his inner feelings that he defies biography). Johannsen's choice not to tell the reader what he is doing, but simply to do it, not only creates the air of magisterial objectivity about the book but often makes it difficult for the reader not fresh from an immersion in the previous literature of factional disputes in the Pierce administration or the various controversies surrounding the origins of the Kansas-Nebraska Act to plow through the details without stifling a yawn or two. But to prove that it is all well worth it, I got out the best single treatment of the Kansas-Nebraska Act to date (Roy F. Nichols's article "The Kansas-Nebraska Act: A Century of Historiography" in the *Mississippi Valley Historical Review* for 1954) and did some comparing. The results were worth the effort.

To remove some of the historical blame placed on Douglas for authoring the Kansas-Nebraska Act, revoking the Missouri Compromise, and exacerbating sectional animosities, Nichols simply removed Douglas from center-stage and pictured the Kansas-Nebraska Act as the victim of powerful forces rather than Douglas's own unfortunate brain child. Earlier attempts to exonerate Douglas had left him in the most important role in the formulation of the bill but had attempted to clarify and justify his personal motives. To refute the obvious charge that Douglas had sold out to the slave-power in exchange for Southern support for the Democratic nomination for President in 1856, Milton (for one) noted that Douglas's failure to get the nomination in 1852 had stemmed from lack of support from his own Northwest, not from lack of Southern delegates' votes. Others had tried to say his motives had nothing to do with sectional issues but a great deal to do with his personal interests in railroad development in the West.

Nichols argued that Douglas was the victim of powerful political forces he could not control. The failure of a bill to organize Nebraska in the 1853 session of Congress showed that Douglas needed four Southern votes in the Senate to get the measure through. He faced a compli-

cated situation in his own party. President Franklin Pierce felt that the Democrats had regained the Presidency in 1852 because the Democrats who bolted the party over the slavery expansion issue in 1848 (principally, a New York faction called the Barnburners) had come back to the Democratic fold in 1852. Pierce felt obliged to let them share the federal patronage. To other Democrats, especially those from the South, it looked as though Pierce was rewarding disloyal Democrats who had sabotaged the party in 1848. Loyal New York Democrats (called Hard-shells, because they were not "soft" on the issue of admitting previously disloyal Democrats to the patronage) were so upset over the policy that the party split in New York and gave the governorship to a Whig in 1853. The powerful Southern senators who controlled the votes Douglas needed to pass the bill and who lived together in a Washington boarding house on F Street needed an issue to test the loyalty of the 1848 bolters who had rejoined the party. Reasoning that the principles of the Compromise of 1850 would be good for Nebraska if they were good for Utah and New Mexico and finding that Missouri's Senator Atchison had promised in his campaign for reelection to organize the Nebraska territory with slavery as a live option, the F Street group decided to make repeal of the Missouri Compromise, which would have excluded slavery from Nebraska, the test of the Barnburners' loyalty. The whole group met with President Pierce and Douglas on the Sunday before the bill would come to vote (unusual because Pierce never transacted business on Sundays) and altered the bill to organize Nebraska so that it specifically repealed the Missouri Compromise and so that it included a provision to organize *two* territories, Kansas and Nebraska, the one beside a slave state (Missouri) and the other by a free state, to give it a greater air of sectional compromise. Douglas was powerless to resist, and his bill was the work of many hands besides his own. Such were the origins of the Kansas-Nebraska Bill as Nichols explained them.

Johannsen's very careful analysis significantly alters that picture which has stood for nearly twenty years. Johannsen restores Douglas to the preeminent role in the genesis of the Kansas-Nebraska Bill. In part his case rests on a slender foundation, a statement in a letter Douglas wrote in 1852 expressing his intention to "repeal altogether that compromise." Nichols claimed the letter was not genuine, and here Johannsen fails for once to be "magisterial" in his treatment, noting in a footnote only that the content of the letter is controversial without any discussion of the merits of the case one way or another. However, his case rests on several other pieces of evidence. For one thing, Douglas had for several years thought that popular sovereignty—allowing the people in the territories themselves rather than Congress to decide the slavery question—was the proper principle for the organization of new territories. Nevertheless, the original Nebraska bill of the 1853 session had assumed that the Missouri Compromise would apply; it was the law of the land and need not be reiterated just because the principle had not been extended to some new territories acquired since the Louisiana Purchase (the Missouri Compromise forbade slavery above the line of 36°30' latitude in the territory acquired from France). As early as December 17, 1853, Douglas expressed his hope in a letter that "all will be willing to sanction and affirm the principle established by the Compromise measures of 1850" in the new territory, showing that he expected the bill in the new session of Congress to go by the principles of 1850 and not of 1820. This statement came but three days after the Nebraska bill was under consideration in Douglas's territorial committee in the Senate.

The report Douglas submitted with the bill that came out of committee on January 4, 1854, drew a careful analogy to the Compromise of 1850. That Compromise had not been a convenience or necessity, but an establishment of "great principles" to settle the territorial question without agitation in Congress about slavery. The new Nebraska bill would allow the state to come in slave or free as its constitution prescribed. The territorial legislature before that date was granted the power to legislate on all save certain enumerated subjects, and slavery was *not* enumerated. Previous to the action of the territorial legislature on slavery, the Missouri Compromise would be in effect in the territory, just as



Mexican law (which outlawed slavery) had been in effect in the lands acquired from Mexico after the Mexican War. Congress had declined to state explicitly that Mexican law would be in effect in 1850, and "so your committee," Douglas's report said in 1854, "are not prepared now to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the 8th section of the Missouri act" [the section prohibiting slavery above the line 36°30']. William Seward knew immediately what this meant, writing in a letter on January 4 that Douglas had gone "as far as the Democrats dare, toward abolishing that provision of the Missouri Compromise which devoted all the new regions purchased from France, north of the line of 36°30', to freedom." Douglas said later: "It was written by myself, at my own house, with no man present." If Johannsen is right, then the early 1853 version was the "aberration," as he puts it, and not the 1854 version. Douglas meant to replace the principles of the Missouri Compromise all along.

Johannsen adds many other subtle embellishments to the argument. Fully aware that Douglas's political troubles were in his own backyard and not in the South, Johannsen further exonerates Douglas from the charge of truckling to the slave interests by arguing that Douglas assumed—even stated explicitly on rare occasions—that westward expansion was *ipso facto* expansion of freedom. Douglas had come very close to saying this (and to saying it was a good thing) in a speech he made in 1850. Douglas said flatly that there could be no slavery in the West because of soil and climate conditions and the will of the settlers there. More important, he expressed a hope that the border states and states of the upper South would soon free their slaves through a program of gradual emancipation. At a later date Douglas would avoid even such an indirect public endorsement of freedom as this, but Johannsen does not rest his contention on this evidence alone.

Johannsen also suggests that Douglas advanced guarantees of his own, in addition to nature's guarantees of soil and climate, that slavery would never take root in the American West. As he puts it, "to Douglas, Nebraska Territory was not an isolated question, but was rather a part of a larger program for western development which he had been urging for many years." In the first place, the Pacific railroads that Douglas had been advocating to unite California and the rest of the United States would, of course, bring commerce in their wake and cities too—economic and social conditions that were not conducive to slave labor (incidentally, these would also bring prosperity to Douglas's home constituency, Illinois). Second, Douglas's advocacy of free homesteads for settlers in the West would "attract settlement by small independent farmers," a social class hostile to a system of slave labor. These two factors are especially convincing when taken into account along with Douglas's apparent belief that the Missouri Compromise would remain in effect until the territorial legislature decided what should be done about slavery. In other words, slavery would be excluded up to the point in time when the territorial legislature made its decision. Obviously, there would be no slaveholders in that legislature to advocate the legalization of the peculiar institution.

If anything, Johannsen's point here is more important than his careful selection of quotations from Seward and Douglas and his careful attention to the chronology of these remarks in the development of the Kansas-Nebraska Bill, for it is this point that *completely* reverses Nichols's contention. Johannsen sees Douglas not as the compromising victim of the aggressions of the "F Street Mess," as the group was called, and of the factional feuds in the Democratic party which he did not create, but rather as the effective proponent of a grand plan for the American West. The Kansas-Nebraska Bill is seen not as the patchwork quilt of compromise to satisfy the many hands that shaped it, but as the slightly modified practical instrumentation of a plan—the application of Douglas's ideals to the West. The Bill is the embodiment of an ideology and not the crazy quilt of pluralistic compromise.

Johannsen adds other careful embellishments to the story of the Kansas-Nebraska Act. For example, he points out that although William Seward claimed having a role in suggesting the Dixon amendment which finally specifically repealed the Missouri Compromise (as a

machiavellian measure to split Northern from Southern Democrats), Mrs. Dixon could not recall Seward's role. Johannsen also points out that the decision to split the territory into two areas, Kansas and Nebraska, had nothing to do with sectional issues. The representatives of the settlers already in Nebraska Territory petitioned for two territories. Moreover, Iowa's senators pressed for the division because they feared that the capital and the avenues of commerce from the new territory would otherwise fall south of Iowa's latitude.

Johannsen's alterations and embellishments of the traditional picture of the Kansas-Nebraska Act will provoke new scholarship, I am sure, and I am sure also that this could be said of many of Johannsen's treatments of episodes in Douglas's important career. It is in these respects rather than in the broad interpretive scheme that Johannsen's book will prove most stimulating, indeed, absolutely indispensable.

But the weaknesses of the overall scheme are nagging. If Douglas is to be seen as implementing an overall plan in the Kansas-Nebraska Act, then Douglas's ideology deserves a more searching treatment than Johannsen gives it. Yet Johannsen is prevented by his acceptance of the general compromiser-vs.-ideologue scheme from seeking the answer to the question of Douglas's sincere beliefs. To be sure, even a writer setting out to answer that question alone would be severely hampered by Douglas's lack of "introspection." But Johannsen leaves two avenues of approach still to be explored: (1) the relationship between Douglas's early "Jacksonian convictions" and his more familiar efforts at compromise and Unionism in the 1850's and (2) the images and patterns of belief to be gleaned from a close rhetorical study of Douglas's political speeches.

Johannsen does make some effort in the latter area, or perhaps it would be more accurate to say that in the course of his very thorough narrative of Douglas's political career, Johannsen gives enough glimpses of Douglas's language to allow a reader to piece together at least the rough outlines of a Douglas ideology. Indeed, Johannsen himself makes a major connection between Douglas's vision of foreign policy and his view of domestic policy. The two boiled down to one word, expansion—expansion as fast as possible and with the least amount of introspective attention to festering problems in the society already established in the eastern part of the United States. The model of republican liberty for the world, the United States could best serve the cause of freedom by growing outwardly. It was a simple quantitative argument: the more United States there was, the more freedom there was in the world. Douglas recognized no historical debt to the past in his vision of a country unique for the degree of liberty it granted its citizens. "I cannot recognize England as our mother," Johannsen quotes Douglas as saying about 1850. "If so, she is and ever has been a cruel and unnatural mother." This fit Douglas's foreign policy, which was always anti-English (and which in turn met his personal needs as a Democrat who always gained support from the anti-English Irishmen who worked on the railroads and canals in Illinois). It fit his position on sectional issues (he blamed abolitionism on English inspiration). And it fit his traditional allegiance to the Democratic party on domestic economic issues (Jacksonians traditionally contrasted, as Douglas put it, the "youthful, uprising aspirations of the American heart" with the "old, antiquated notions which belong to the stationary and retrograde movements of the Old World" in a symbolic clash between aristocracy and "the people" which began with the American Revolution and continued in the party battles of Whigs and Democrats). The Kansas-Nebraska Bill was a microcosm of Douglas's whole policy: American expansion meant expansion of freedom.

That is, it meant expansion of freedom for white people. Douglas said repeatedly that he cared more for the Union than for all the members of the African race put together. Johannsen does not hide or even soft-pedal this well-known aspect of Douglas's Democratic ideology, but it fails to provide Johannsen with even a minor theme in the book. Nonetheless, racism is as clearly a common denominator for Douglas's ideology as expansion of freedom.

To say so bluntly is to tie Douglas's grand plan up into an even neater bundle than Johannsen's rubric of "advancing the area of freedom." It also alerts the reader



to another strikingly old-fashioned aspect of Johannsen's interpretive scheme. Stephen Douglas, as chairman of the Senate's Committee on Territories and as author and chief sponsor of many of the territorial bills, certainly must have had considerable occasion to deal with the Indian question. Yet Indians are mentioned only in asides. In one brief episode, we are given Douglas's ideas on Indians, and they did not stray far from the old dictum that the only good one was a dead one. In 1859, Douglas urged that Congress recognize a government set up by miners who had encroached on Indian territory. After all, Douglas said, the Indians "are fading away before the advance of civilization like snow before the vernal sun." Nor was this policy based on matters of fact (analogous to his argument that the territories would not support slavery no matter what Northerners or Southerners desired); Douglas said the Indians constituted nothing but "barriers of barbarism, of savage ferocity" and must be removed from blocking white progress.

Even if Douglas's Western expansionism constituted a policy of *de facto* expansion of freedom, his advocacy of expansion in the southern latitudes was a different matter. Expansion to Cuba and other areas of Latin America was avidly sought by the pro-slavery interests because it would provide areas (unlike the American West) which could and did support the institution of slavery. Douglas never argued that slavery would ultimately be extinct in America, and it would not be stretching things to say that his support of expansion to Cuba and Nicaragua was a policy of expansion of the area of slavery. In addition, Douglas's foreign policy was imperialism, plain and simple—in other words, it meant reduction of freedom for the occupants of Latin American countries, as expansion in the North did for Indians and in the South for Negroes. Douglas usually cloaked his imperialism in language of peaceful expansion and promises of eventual assimilation under the American Constitution. Nonetheless, when opportunity knocked, Douglas endorsed any methods. Thus he supported Robert Walker's filibustering takeover of Nicaragua in 1856, saying that he offered the "firmest and most stable" government the country had ever had. Once the Nicaraguans were "thoroughly Americanized," then the country would be annexed. The interim system would have to be imperialistic rule. Later, in 1858, Douglas suggested that the only way to acquire Cuba was not to try to buy it from Spain but to await some incident justifying forcible seizure of the island. All in all, Douglas's ideology—his grand plan—was one of imperialistic expansion at the expense of Negro, Indian, and Latin American freedom.

The above constitutes only a different emphasis on materials that are all present in Johannsen's comprehensive treatment of Douglas's life. Considerations of Douglas's debt to the Jacksonian beliefs of his early career, however, are largely wanting in the book. It is unclear how thorough-going a Jacksonian Douglas was in his economic beliefs. At one point, Johannsen pictures Douglas as a "whole-hog" Jacksonian critic of "milk-and-cider" Jacksonians. Yet Douglas's hard-money views were loose enough to allow him to advocate state banks of issue to supply credit for the Illinois land boom in the 1830's. Douglas's course of beliefs on internal improvements was likewise twisty. To speak simply of his "Jacksonian convictions" begs the question all the readers want to know: what kind of a Jacksonian was he? Were his beliefs closest to John C. Calhoun's, Martin Van Buren's, Andrew Jackson's, or Lewis Cass's? Did he go in for extreme appeals to economic discontent in his speeches? These and many other questions about Douglas's early political beliefs—including that of the source of his very early opposition to abolition despite his early years in upper New York State's "burned-over district"—remain largely unanswered by Johannsen's disappointing treatment of Douglas's first thirty-five years. The area clearly deserves more exploration, especially in light of the known power of Whig ideology over Abraham Lincoln's beliefs.

By slighting Douglas's ideology, Johannsen allows confusion about important matters. For example, Johannsen feels that Douglas was an "antislavery" man. There are two principal reasons: (1) Douglas's policy was one of the expansion of the area of freedom, and (2) Douglas consistently battled Southern extremists on issues that arose in Congress. The latter is an element of the story

we too often forget; about the former I have expressed some doubts already. And I question Johannsen's references to Douglas's "general antislavery stance" (page 299) or to Douglas as a man "opposed to the institution of slavery" (page 583).

The only solid piece of evidence in regard to Douglas's personal and private views of slavery stems from a reminiscence (after Douglas's death and after the Civil War) by a personal friend, Major George Murray McConnell. McConnell recalled a conversation he had with Douglas when the Illinois senator was upset over the opposition of Northern Democrats to the repeal of the Missouri Compromise in 1854. "I am not pro-slavery," said Douglas. "I think it is a curse beyond computation, to both white and black." Johannsen says there is no reason to suspect that Major McConnell's recall was faulty.

Yet there is much in Douglas's public record to make us wonder about Major McConnell's memory. Douglas did not, it is true, serve the interests of slavery expansion in the Kansas-Nebraska episode. He did not believe that slavery was the natural condition of the black race; he said repeatedly, as Johannsen shows, that the role of the Negro was to be determined by the whites locally, and that role could be any that was consistent with the safety and welfare of the local area. He was not pro-slavery, then, in the sense that he thought it was so good a system that it should be spread wherever possible.

On the other hand, whether he can be termed "anti-slavery" is another matter. His beliefs seem to have tended to the position that slavery was best where large numbers of blacks resided and freedom best where the society was racially homogeneous. Douglas said as much at least once (in 1860): "If I were a citizen of Louisiana I would vote for retaining and maintaining slavery, because I believe the good of that people would require it. As a citizen of Illinois I am utterly opposed to it, because our interests would not be promoted by it." If it be objected that this was a public stance of a man who desired the Presidency, then one could point to at least an index of Douglas's private opinions as McConnell's reminiscence: Douglas's personal dealings with Negroes.

In 1848, Douglas's father-in-law died, leaving a Mississippi plantation and over 100 slaves to his daughter, Douglas's wife. By Mississippi law, the property of a married woman was her own and could not be controlled by her husband. The will made Douglas "manager" of the estate in exchange for 20 per cent of its annual income. Douglas hired an overseer and corresponded with him regularly about the plantation, though Douglas did not "manage" it directly. Despite some advice to the contrary, Douglas never divested himself of the direct connection to the slave property. When faced with a practical choice, Douglas acted consistently with his apparent belief that slavery was best where blacks were numerous. Once again, all this information (and much more) is in Johannsen's comprehensive book, allowing the reader on occasion to arrive at conclusions different from Johannsen's own.

There are many answers in Johannsen's book to questions about Douglas's later years, and these are the more important years of his life—years when he became probably the most important and charismatic personality in the Democratic party. To discuss only the Kansas-Nebraska issue in detail, as I have done here, and to ignore the multitude of other similarly judicious and detailed treatments of complicated political issues, while criticizing certain features of the book, considerably underestimates its virtues. It is an indispensable book for students of the middle period of American history, for students interested in Lincoln (for there is no understanding the one man without understanding the other), and for those interested in Stephen A. Douglas. The reader should be cautious, however, in accepting Johannsen's belief that Douglas was "a representative man," "a man of his times," and a man who "had a feel for the nation that few others could boast." Douglas represented *some* Americans. But no man of such nebulous religious convictions and such oblivious resistance to social reform despite a personal background of life in a part of the country burned over by repeated religious revivals and crusades for moral reform represented *all* of America before the Civil War.





# Lincoln Lore

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## LINCOLN'S THEORY OF REPRESENTATION: A SIGNIFICANT NEW LINCOLN DOCUMENT

*Editor's Note:* I am indebted to Mr. James T. Hickey, Curator of the Lincoln Collection at the Illinois State Historical Library in Springfield, for calling the text discussed below to my attention and for allowing *Lincoln Lore* to reproduce it. It represents a small part of the greatest new Lincoln collection made available in years, the private papers of Lincoln's son, Robert Todd Lincoln. These papers are now deposited at the Illinois State Historical Library. M.E.N., Jr.

"Please do me the favor to inform me whether the enclosed document headed 'Abraham Lincoln's Views', is in your father's handwriting," Richard Yates asked in a letter to Robert Todd Lincoln on December 16, 1909. Yates's father, also named Richard, had been the Governor of Illinois during the Civil War and a political associate of Abraham Lincoln. The elder Yates had preserved the document "for many years in an envelope containing certain letters" from Robert Todd Lincoln's father to him, and, the younger Yates added, "I have kept it since my father's death thirty-six years ago, on the supposition that it was in President Lincoln's handwriting."

Robert Todd Lincoln replied:

I am very much interested in the autograph manuscript of my father which you sent me in your letter of the 16th instant, and which I return to you.

To answer your question as to whether it is in my father's handwriting, specifically, I can answer that it undoubtedly is. While it is not dated, it is apparent that it was written when he was a candidate for election to

his one term in Congress, and it is to me exceedingly interesting as showing that even then he was filled with the thoughts of the identical questions which were the basis of his debate with Senator Douglas. There is no copy of the document among his papers, and I have taken the liberty of having a copy made for my own files; but with no intention of publishing it.

The original document owned by Yates has never been found, and Robert Todd Lincoln's typed copy remains the only version of the document available to Lincoln students. If we may trust Robert's judgment in the matter of his father's handwriting, then the text represents a previously unpublished Lincoln document of considerable significance. And surely Robert was a reliable expert on his father's handwriting. Not only did he receive letters from his father, but Robert was also for many years the "curator" of his father's Presidential papers. For four years he had been lugging seven trunks full of papers back and forth between Washington, D. C., and his summer home. He had on numerous occasions scoured them in searching for particular items that people like Richard Yates asked him about (note that he could say that there was "no copy of the document" among his father's papers).

The typed copy of the document reads thus:

A. Lincoln's view of the Right Position

In relation to the slavery question — Wilmot Proviso — Mr. Clay's compromise, and so on, I think there



From the Louis A. Warren  
Lincoln Library and Museum

**FIGURE 1.** Richard Yates (1815-1873) was Governor of Illinois during the Civil War. He met Abraham Lincoln in the 1830s, when both men were Henry Clay Whigs. He served three terms in the Illinois legislature and two in the United States House of Representatives before becoming Governor of Illinois.



is good reason for hoping that the whole will be settled before my service will commence, should I be elected.

But if elected, and, on taking my seat, this question shall still be open, and the wish of my district upon it shall be known to me, that wish shall govern me.

If, however, that wish shall not be known to me, and I shall be left to the exercise of my own judgment upon the question, I shall be governed by the then existing state of things, which may then be as different from what it now is, as it now is from what it was a year and a half or two years ago.

There are, however, some things upon which I feel that I am, and shall remain, inflexible — One of them is my opposition to the extension of slavery into territories now free — In accordance with this, I have been for the Wilmot Proviso; and I should adhere to it in Congress, so long as I should suppose such adherence, the best mode of preventing such extension of slavery; and, at the same time as not endangering, any dearer object — In this I mean to say I can conceive a case in which a dogged adherence to the Proviso by a few, might aid the extension of slavery, — that is, might fail in its direct object, defeat other restraining measures, and allow slavery to be pushed wherever nature would allow — and in such a case, should I believe it to exist, I would at once abandon the Proviso — Again, of all political objects the preservation of the Union stands number one with me; and whenever I should believe my adherence to the Proviso tended to endanger the Union, I would at once abandon it.

I have now distinctly stated the principles upon which I shall act, in relation to this question, if elected.

While on this subject I will say, I have not at any time supposed the Union to be in so much danger as some others have — I have doubted, and still doubt, whether a majority of the voters, in any Congressional District in the nation are in favor of dissolution in any event — slavery restricted, or slavery extended.

Still it is arrogant — silly perhaps — to entirely disregard the opinions of the very many great and good men who think there is real danger — With great distrust of my own ability, and reasonable deference to the opinions of the author of the late compromise bill, I some what regretted the defeat of that measure; and had it passed the Senate, and I been a member of the lower House I think I should have voted for it, unless my district had otherwise directed me.

The document is a good deal more difficult to interpret than Robert thought. It could not have been "written when he was a candidate for election to his one term in Congress." David Wilmot introduced his famous Proviso on the afternoon of August 8, 1846. Lincoln won election to Congress on August 3, 1846. He could not have taken a position on an issue which did not exist while he was running for Congress. Moreover, Lincoln speaks in the document of the defeat of Henry Clay's "late compromise bill." This defeat did not occur until August of 1850.

By 1850, Congressional elections in Illinois were held in November, and Lincoln's statement might very well have been written in the midst of the contest between Whig Richard Yates and Democrat Thomas L. Harris for the local district's seat in the United States House of Representatives. Harris had won Lincoln's seat in 1848, in a contest against Stephen T. Logan, a miserable campaigner. Yates reclaimed the district for the Whigs in 1850.

Lincoln's statement clearly touches on the major issues in the 1850 contest. The Democratic organ, the *Illinois State Register*, sought to embarrass the local Whigs for inconsistent stances on national issues. Yates had been a member of the Illinois General Assembly from 1848 to 1850, when the Whig members voted to instruct the United States Senators from Illinois to insist on the Wilmot Proviso, which would have barred slavery from any territory acquired as a result of the Mexican War. In the electoral contest in 1850, however, Yates apparently supported Henry Clay's compromise proposal, which would have allowed some territories gained from the Mexican War to organize as states with or without slavery, as the people in the territories should themselves determine. Democrats also accused Yates of trying to dodge the issue, it being unclear how Yates reconciled slavery's exclusion with Clay's compromise measures. Democrats accused Yates of voting for instructing Illinois's United States Senators to vote for abolishing slavery in the District of Columbia, something which Clay's compromise measures conspicuously did not urge.

The substance and tone of Lincoln's remarks certainly fit this delicate political situation. "I have been for the Wilmot

Proviso," Lincoln said, but he would "adhere to it in Congress" only as long as it did not endanger "any dearer object." He added pointedly that "of all political objects the preservation of the Union stands number one with me; and whenever I should believe my adherence to the Proviso tended to endanger the Union, I would at once abandon it." Yates could very well assume Lincoln's position on these points. Yates had been for the Wilmot Proviso, but he might change his position if a "dogged adherence" to it would endanger the Union. In light of Democratic charges that Yates was dodging, Lincoln's statement that he had "now distinctly stated the principles upon which I shall act" seems very much to the point. It is notable, too, that Lincoln did not say, as he would later in his life, that he had voted for the Wilmot Proviso many times while he served in the United States House of Representatives. Thus there is nothing in the statement which could not as well have been used by Yates as by Lincoln.

Although it is generally assumed that Lincoln's political ambitions slumbered after 1849, there is a possibility that the statement was an attempt to address the issues of 1850 in his own behalf. The reference to his personal feeling that he had "not at any time supposed the Union to be in so much danger as some others have" was characteristic of Lincoln's attitude around 1850. There is a letter marked "Confidential" in the Yates Papers which indicates that some people among Yates's supporters feared that Lincoln wanted to run for Congress:

[Joseph O.] King has been absent for ten days, I learn he has been sent to the upper part of the district by the Lincoln faction for the purpose of preparing the minds of the people against our wishes in this end of the district.

Look out or you will be defeated by pretended friends before the convention assembles.

You have grate confidence in [John Todd] Stuart; he may be your friend in some things, but he is for Lincoln for Congress.

Yours truly  
Butler

Stuart's preference may not have been Lincoln's, however, and the fact remains that Lincoln supported Yates when he ran for Congress in 1850.



From the Louis A. Warren  
Lincoln Library and Museum

FIGURE 2. Robert Todd Lincoln



The statement is titled "A. Lincoln's view of the Right Position" rather than "Lincoln's Position." Just two years before, Lincoln had written a similar statement for Zachary Taylor, putting words in that Presidential candidate's mouth in a similar way: "The question of a national bank is at rest; were I President I should not urge it's reagitiation upon Congress." It seems likely that this later statement, too, was meant for another's use.

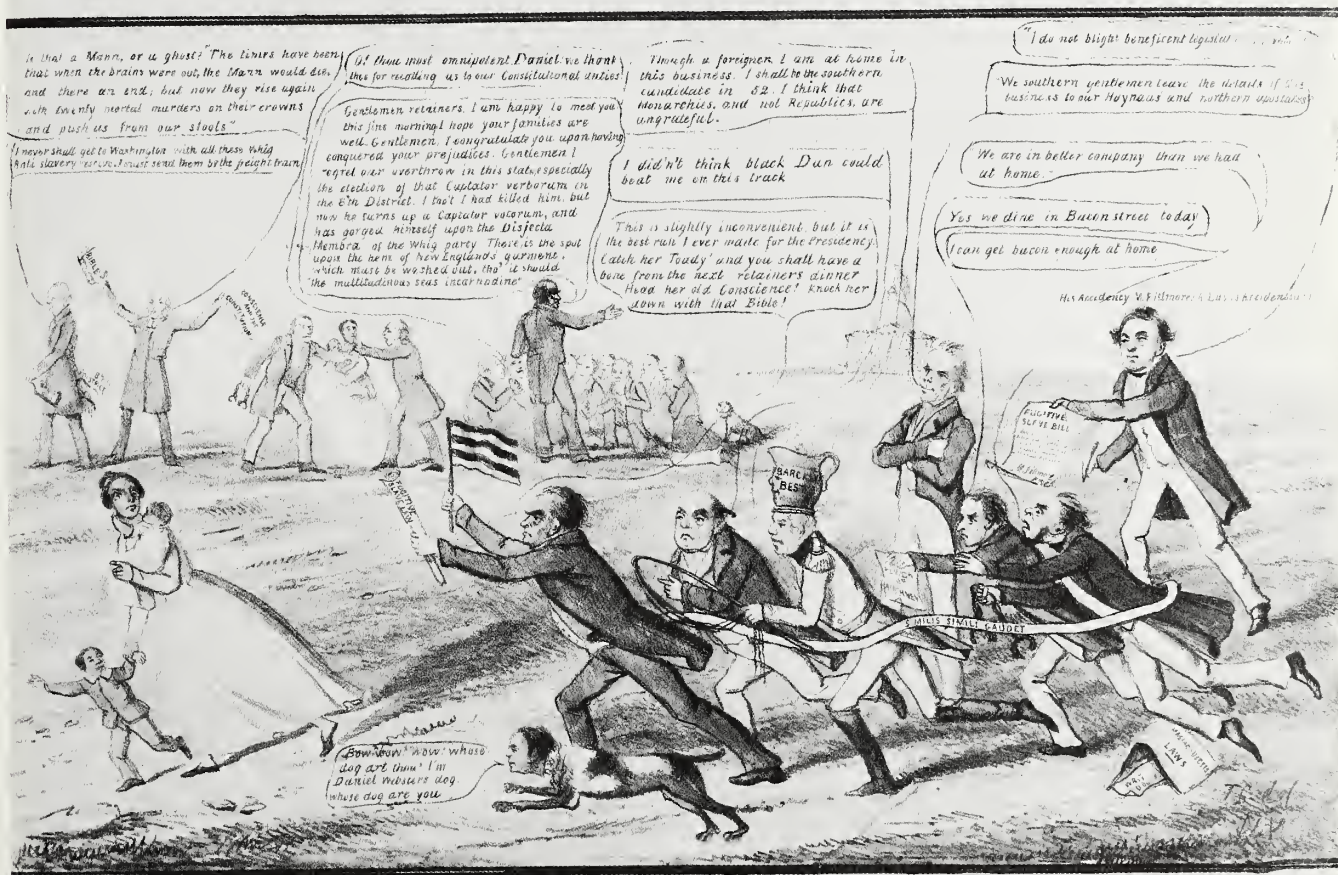
The views were, nevertheless, Lincoln's views. Some of them are of interest. For example, he speaks of slavery's being "pushed wherever nature would allow." This remark suggests the idea that climate could determine the ability of slavery to expand, an idea which Lincoln would quarrel with later in his career.

It is also remarkable to note the degree to which Lincoln adhered to the idea that representatives could be instructed how to vote by their constituents. The idea of instructed representation was not in itself an issue in 1850, but there were numerous references to Yates's having voted to instruct Senators to do what he now would not do himself. Lincoln was a staunch believer in tying the representative closely to the will of his constituents. In 1848, Lincoln called instruction "the primary, the cardinal, the one great living principle of all Democratic representative government — the principle, that the representative is bound to carry out the known will of his constituents." He recognized, however, that instruction was essentially a Democratic dogma. In 1854, he argued that if the Illinois legislature "should instruct Douglas to vote for the repeal of the Nebraska Bill, he must do it, for 'the doctrine of instructions' was a part of his political creed." "A. Lincoln's view of the Right Position" is the only document wherein Lin-

coln reveals his personal willingness to be governed strictly by "the wish of my district" on issues as important as "the slavery question — Wilmot Proviso — Mr. Clay's compromise." He may have qualified his commitment by adding that "There are, however, some things upon which I feel that I am, and shall remain, inflexible." This contradiction followed his statement that he would be governed by the circumstances of the moment, sometime hence, when he would arrive in Congress — not his statement that he would be guided by "the wish of my district" if that wish "shall be known to me." Apparently, he took the ultra-democratic ground that instruction could overrule his personal views even on "the slavery question."

The clarity with which Lincoln announced the primacy of Union in his political beliefs is also of great significance. His willingness to "abandon" the Wilmot Proviso "at once" if it "tended to endanger the Union" is somewhat at odds with later statements in which he viewed the Union as the vehicle of liberty and made it unclear whether union or freedom could be considered of prime importance.

"A Lincoln's view of the Right Position" is a short document, but one worthy of deep study. It deals with fundamental assumptions about democratic government. It might be interpreted as a sign of the survival of Lincoln's political ambition beyond a period when such ambitions were supposed to have disappeared. It is a significant addition to the body of evidence bearing on Lincoln's views on slavery, still the most important subject for study in the Lincoln field. It is safe to predict that it will be, despite its brevity, an oft-quoted and much-interpreted document.



A grand Slave hunt, or Trial of speed for the Presidency, between the celebrated nags Black Dan, Lewis Cass, and Haynan.

From the Louis A. Warren  
Lincoln Library and Museum

FIGURE 3. The Compromise of 1850 made and destroyed many historical reputations and posed great difficulties for most antislavery Whigs. In this cartoon Daniel Webster is depicted as a slave-catcher, chasing slave women and children with a copy of the Fugitive Slave Law in his hand. The Compromise of 1850 included a tougher Fugitive Slave Law, which antislavery Whigs found hard to swallow. Those who had supported the Wilmot Proviso a mere year or two earlier were likewise embarrassed by having to accept the possibility of slavery in some of the territory acquired from Mexico.







# THE LAW — THAT RIPPED — AMERICA IN TWO

One hundred fifty years ago, the Kansas-Nebraska Act set the stage for America's civil war ~ BY ROSS DRAKE

**A**BOLITIONIST JOHN BROWN—failed businessman, sometime farmer and full-time agent, he believed, of a God more disposed to retribution than mercy—rode into the Pottawatomie Valley in the new territory of Kansas on May 24, 1856, intent on imposing “a restraining fear” on his proslavery neighbors. With him were seven men, including four of his sons. An hour before midnight, Brown came to the cabin of a Tennessee emigrant named James Doyle, took him prisoner despite the pleadings of Doyle’s desperate wife, and shot him dead. After butchering Doyle and two of his sons with broadswords, the party moved on to kill two other men, leaving one with his skull crushed, a hand severed and his body in Pottawatomie Creek.

In a sense, the five proslavery settlers were casualties not merely of Brown’s bloody-mindedness but also of a law described by historians William and Bruce Catton as possibly “the most fateful single piece of legislation in American history.” Ironically, the Kansas-Nebraska Act, passed by Congress 150 years ago this month (100 years to the week before the landmark Supreme Court decision—*Brown v. Board of Education*—barring school segregation), was meant to quiet the furious national argument over slavery by letting the new Western territories decide whether to accept the practice, without the intrusion of the federal government. Yet by repealing the Missouri Compromise of 1820, which had outlawed slavery everywhere in the Louisiana Purchase north of Missouri’s southern border (except for Missouri itself), the new law inflamed the emotions it was intended to calm and wrenched the country apart.

As a result of the legislation’s passage, resentments became bloody hostilities, the Democratic Party lay shattered, a new Republican Party was created and an Illinois lawyer named Abraham Lincoln embarked on the road to the presidency. Had the law made civil war unavoidable? “I’d put it this way,” says historian George B. Forgie of the University of Texas. “Whatever the chances of avoiding disunion before Kansas-Nebraska, they fell dramatically as a result of it.”

The author of the bill—officially called “An Act to Organize the Territories of Nebraska and Kansas”—was Senator Stephen A. Douglas of Illinois, eclipsed in history by his rival Lincoln, but for most of his lifetime a figure of far greater national consequence. Short-legged and barrel-chested, with a head disproportionately large for his body, the 5-foot-4 Democrat, known to admirers as the Little Giant, was a gifted, dynamic, rough-mannered man who seemed destined to be president. Ferocious in debate (the author Harriet Beecher Stowe likened his forensic style



to “a bomb . . . [that] bursts and sends red-hot nails in every direction”), he first ran for Congress at age 25 against Lincoln’s law partner, John T. Stuart. (Douglas lost by 36 votes.) Douglas biographer Robert W. Johannsen reports that Stuart once became so incensed at Douglas’ language that he “tucked him under his arm, and carried him around the Springfield markethouse. Douglas, in return, gave Stuart’s thumb such a bite that Stuart carried the scar for many years afterward.”

Douglas was equally combative in Congress. An avid backer of the Mexican War of 1846–48, he looked forward, if not to an American empire, at least to a republic spanning the continent. But his ambitions could hardly be realized by a nation at war with itself. The problem, as always, was slavery. As the boundaries of the nation moved westward, threatening the tenuous balance of power between slaveholding states and free states, Congress had struck the bargains needed to keep the Union intact without confronting the issue of slavery head-on. One accommodation had followed another, but time was not on the side of evasion. Observes historian Paul Finkelman of the University of Tulsa: “As Lincoln said in his second inaugural address, ‘all knew that this interest’—slavery—‘was somehow the cause of the war.’ That ‘interest’ was not likely to go away peacefully. Sooner or later the American people had to come to terms with it.”

Mildly opposed to slavery in principle, Douglas regarded the issue as more a dangerous distraction than a fundamental obstacle to the Republic’s survival. White America’s destiny, in his view, was to extend its domain from the Atlantic to the Pacific, not to agonize over the dubious rights of those he considered his racial inferiors. With that perspective in mind, he had helped arrange the historic Compromise of 1850, which admitted California to the Union as a free state while placing no restrictions on slavery in the new territories of Utah and New Mexico. Voters there would decide for themselves whether or not to permit slavery, and the principle would be known as popular sovereignty.

*ROSS DRAKE wrote on dueling in America in the March issue of SMITHSONIAN. He is based in Connecticut.*

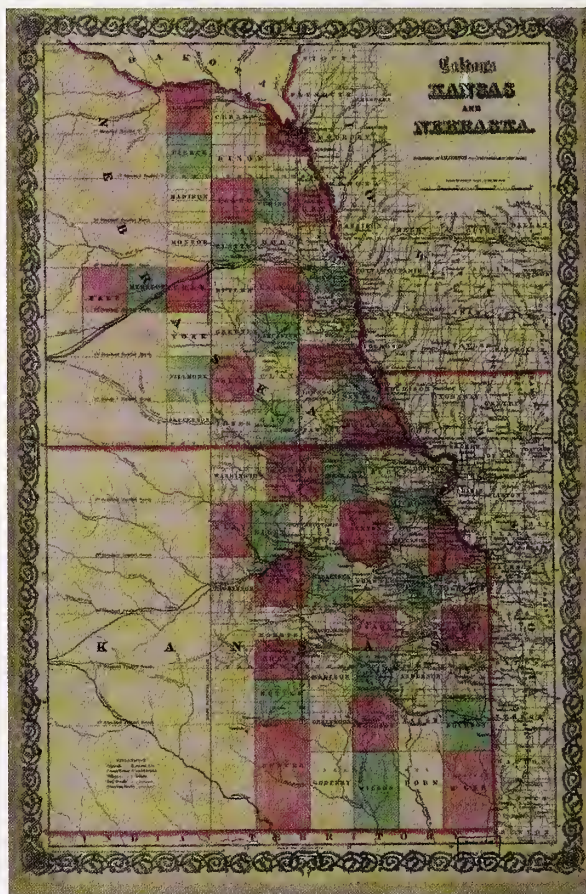
But four years later Douglas had a different agenda. Early in 1854, hoping to open the way for a railroad linking California with Illinois and the East, he wanted Congress to approve the establishment of the Nebraska Territory in the vast wilderness west of Missouri and Iowa. Douglas had sought such approval before, but lacked the Southern votes to get it. Further bargaining would now be necessary, and the stakes this time would include the Missouri Compromise, for more than 30 years the foundation of federal policy regarding the expansion of slavery. If Nebraska were organized with the compromise in place, it would be slave-free and slave-state Missouri would be bordered on three sides by free states and territories. Missouri’s influential—and

rabidly proslavery—senator, David Atchison, had a problem with that; he wanted Nebraska opened to slavery, and vowed to see it “sink in hell” if it were not.

Thus began a delicate negotiation in which Douglas, who had once described the Missouri Compromise as “a sacred thing, which no ruthless hand would ever be reckless enough to disturb,” searched for a politic way of disturbing it—something short of outright repeal. But his would-be Southern allies, fearing that any ambiguity about the compromise’s survival would discourage slaveholders from moving to Nebraska, wanted it struck down unequivocally. Douglas was reluctant, but finally agreed. “By God, sir,” he is said to have exclaimed to Kentucky senator Archibald Dixon, “you are right. I will incorporate it into my bill, though I know it will raise a hell of a storm.”

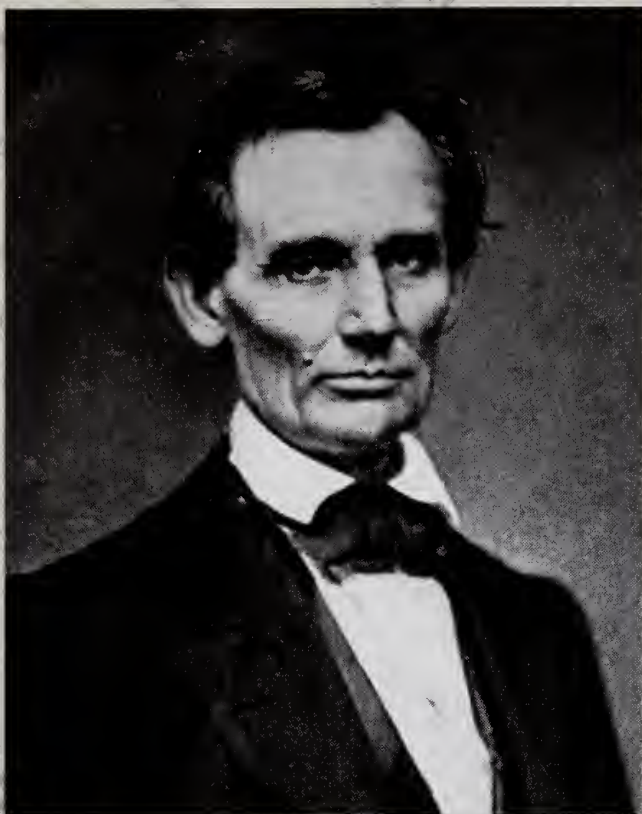
He was right about that. Even as he saw his bill through

the Senate (it now called for the division of Nebraska into two territories, one of them Kansas) and an uneasy House of Representatives, vilification rained from the pulpit, the press and a Congressional vanguard of outraged Free-Soilers, as those who opposed slavery’s extension were known. At one point the Senate received a petition 250 feet long and signed by more than 3,000 New England clergymen urging the bill’s defeat “in the name of Almighty God.” Douglas detested abolitionists and sought in vain to cast the protests as the work of extremists.

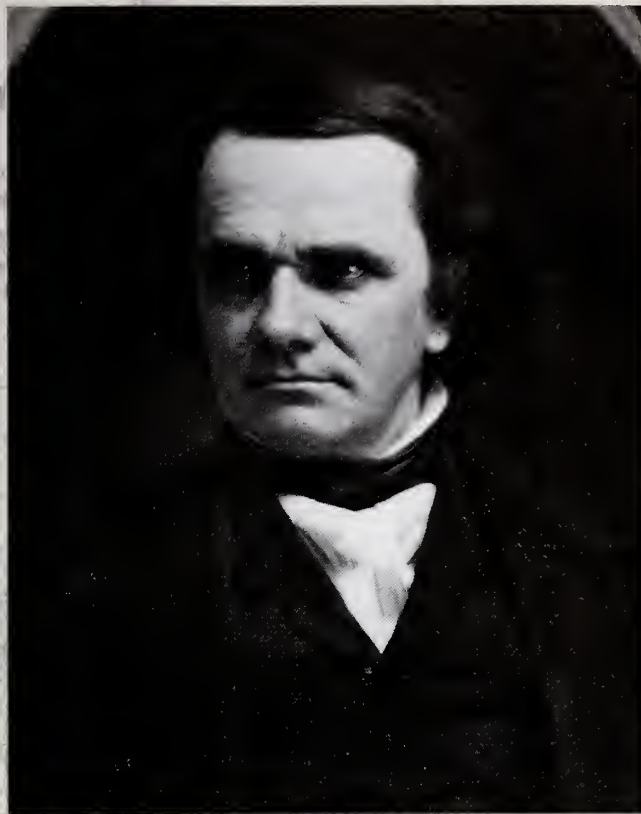


Repealing an 1820 law banning slavery in territories north of Missouri’s southern border, the Kansas-Nebraska Act left both territories (as mapped out in 1855) up for grabs.

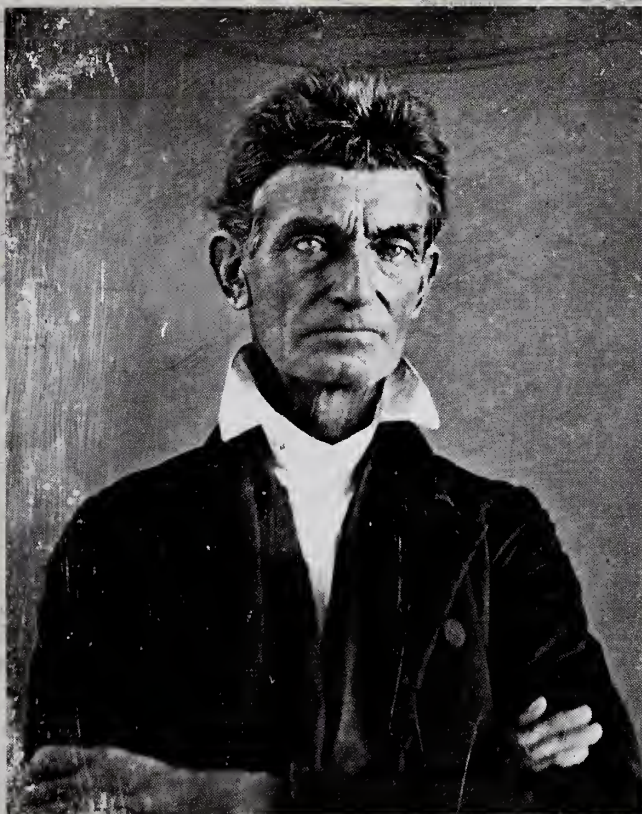




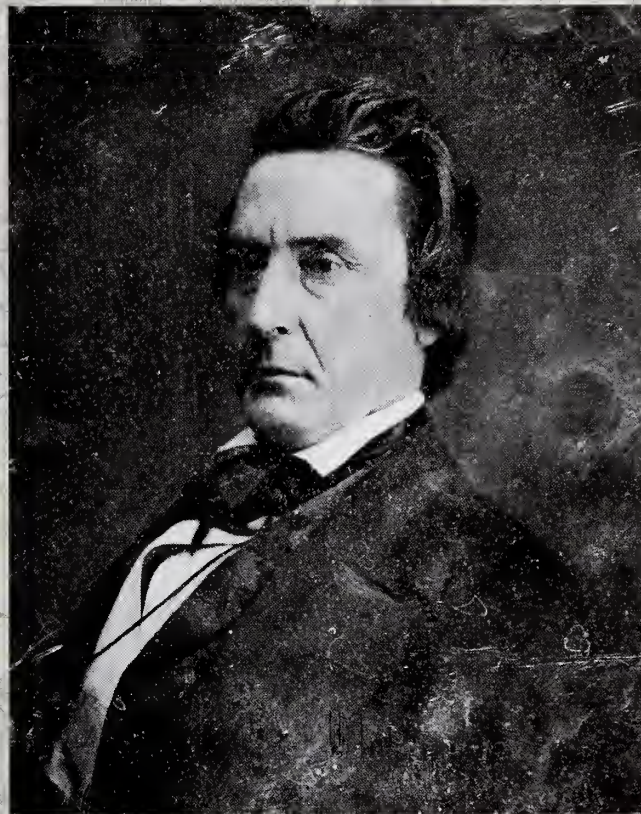
**ABRAHAM LINCOLN** *He declared in 1858 that the nation could not endure "half slave, and half free."*



**STEPHEN DOUGLAS** *His new law promoted the "right of the people to decide" locally the issue of slavery.*



**JOHN BROWN** *The abolitionist's last words were that slavery "will never be purged away but with blood."*



**DAVID ATCHISON** *The Missouri senator vowed to see Nebraska "sink in hell" if slavery were prohibited.*







**T**HERE WAS, IN FACT, a growing antipathy in the North toward slavery. Moreover, observes Forgie, "the upending of a permanent deal naturally antagonizes people disadvantaged by it, and [Kansas-Nebraska] fed existing worries that the slaveholding class was bent on extending its power nationally, with the goal of ultimately destroying republican institutions. Also, the law seemed to promise the movement of blacks into areas Northern whites had assumed were to be reserved for them."

Though Douglas later observed that he could have made his way from Boston to Chicago "by the light of my own effigy," he was not about to be intimidated. He was, after all, a practical man, and he saw Kansas-Nebraska as a practical bill. By transferring authority over slavery from Congress to the territories themselves, he believed he was removing a threat to the Union. Nor did he think it likely that slavery would spread from the 15 states where it existed to the areas being opened for settlement. But when it came to judging public feeling on the issue, the senator was, unhappily, tone-deaf.

"He was a Northern man who was Southern in his views

on race," explains Finkelman. "He said he didn't care whether slavery was voted up or down, but most Northerners *did* care. He may have been the only person in America who didn't. Many Northerners, and Lincoln is a great example, thought the Missouri Compromise was just a notch below the Constitution as a fundamental part of the American political framework. They saw it as putting slavery on the road to extinction, and that was for them a sacred goal. Kansas-Nebraska betrayed this." And so, the battle lines were drawn.

Douglas seemed unfazed at first, confident he could undo the damage. He soon discovered otherwise. Speaking in Chicago on behalf of his party to kick off the 1854 Congressional election campaign in Illinois—though he wasn't on the ballot himself—Douglas was interrupted by "an uproar of shouts, groans and hisses," reports Johannsen. "Missiles" were thrown, and "to the delight of the crowd, Douglas lost his temper, denouncing the assemblage as a mob and replying to their taunts by shaking his fist, which only intensified the din. . . ." Douglas put up with the heckling for more than two hours, then angrily strode from the platform. "It is



## STEPHEN FINDING "HIS MOTHER."

Vilified as proslavery and mocked for his short stature, Stephen Douglas takes a beating in this 1860 Currier and Ives lithograph.



now Sunday morning," he was said to have shouted back at his tormentors (though some historians doubt that he did). "I'll go to church, and you may go to hell!"

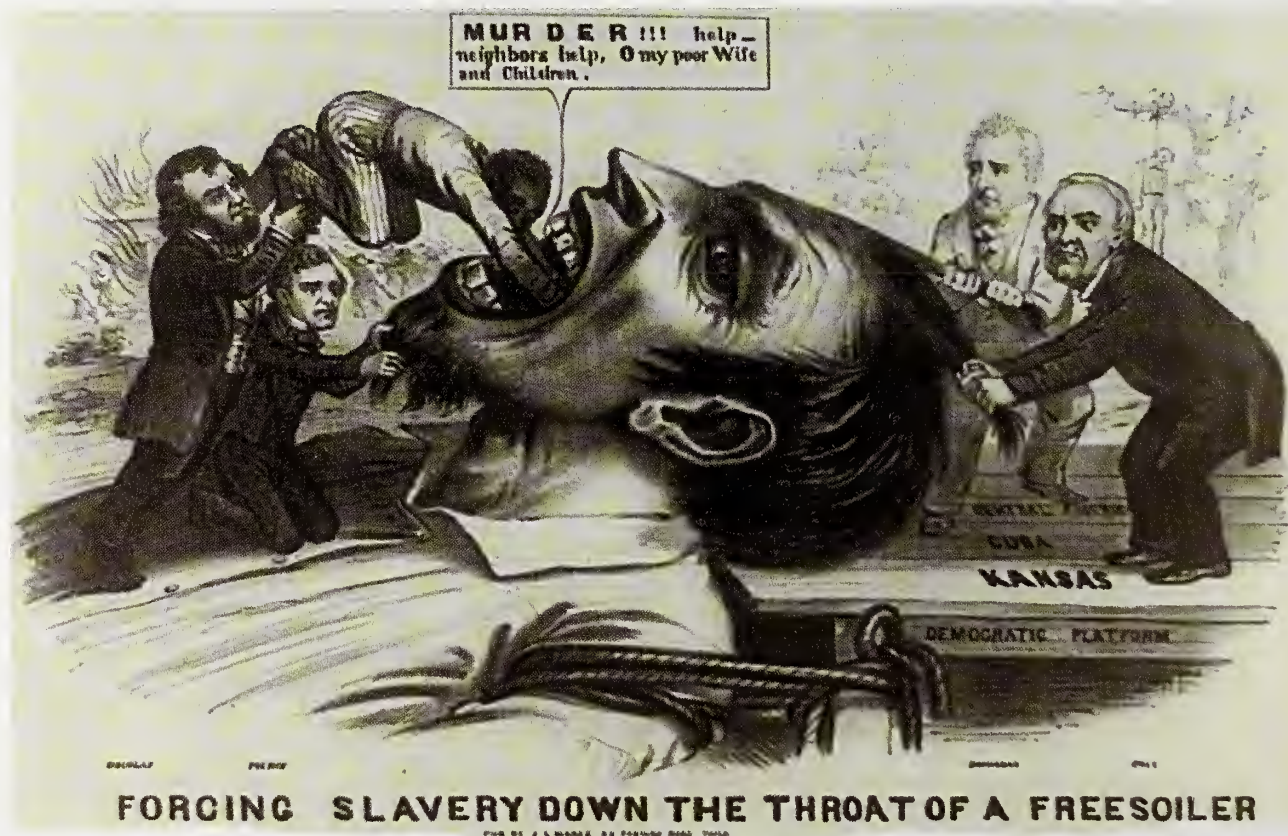
The ensuing election confirmed the devastating impact of Douglas' bill on his Democratic party. Opponents of the Kansas-Nebraska Act carried both houses of the Illinois legislature, which at that time still elected U.S. senators, and free-state Democrats lost 66 of their 91 seats in the House of Representatives. Suddenly, the Democrats found themselves a Southern party, one that would be able after 1856 to elect only one president in the remainder of the century.

**M**EANWHILE, ABRAHAM LINCOLN, a former one-term congressman nearly five years out of office, had joined the fray. Stumping for Richard Yates, a candidate for Congress in the 1854 election, Lincoln tore into Kansas-Nebraska, calling it "covert real zeal for the spread of slavery." In so doing, he was directly challenging Douglas, setting the stage for the crucial debates between them four years later that would make Lincoln a national figure. "I was losing interest in politics," he wrote in a letter in 1859, "when the repeal of the Missouri Compromise aroused me again." Lincoln was capable of raising the slavery debate to a level at which Douglas seems profoundly disadvantaged, in retrospect (as he wasn't then), by his obvious disdain for blacks, slave or free. "I care more for the great principle of self-government," Douglas would

one day declare, "... than I do for all the negroes in Christendom." According to his biographer William Lee Miller, Lincoln quoted Douglas as saying that in all contests between the Negro and the crocodile, Douglas was for the Negro, but that in all questions between the Negro and the white man, he was for the white man.

While Douglas viewed popular sovereignty as a bedrock democratic value, Lincoln saw its application to slavery as a callous statement of moral indifference. And he equated revoking the Missouri Compromise with repudiating the Declaration of Independence itself. "Near eighty years ago," he observed, "we began by declaring that all men are created equal; but now ... we have run down to the other declaration, that for *some* men to enslave *others* is a 'sacred right of self-government.'"

Though Lincoln's feelings about what he called "the monstrous injustice of slavery" were sincere, he was no abolitionist, and he felt bound to accept slavery where it existed. He was, like Douglas, a practical man, with whom the Union always came first. He endorsed the spirit of compromise on which it depended, and which he believed Kansas-Nebraska subverted. "And what shall we have in lieu of [this spirit]?" he asked. "The South flushed with triumph and tempted to excesses; the North, betrayed, as they believe, brooding on wrong and burning for revenge. One side will provoke; the other resent. The one will taunt, the other defy; one aggresses, the other retaliates."



Democrats (in a 1856 cartoon) paid a heavy price for the perception that they would go to any lengths to advance slavery.



That is precisely what happened. "Any plausible explanation of the failure to find another sectional compromise in 1860-61 would have to include the fact that [trust in such agreements] took a deadly hit with Kansas-Nebraska," says Forgie. "Why would anyone sign on to a compromise again?" And once awakened, the South's hope that Kansas might become the 16th slave state took on a tenacious life of its own. When the North proved equally determined to keep Kansas free, the territory turned into a battlefield.

Events quickly took an ominous turn. When New England abolitionists formed the Emigrant Aid Company to seed Kansas with antislavery settlers, proslavery Missourians sensed an invasion. "We are threatened," an acquaintance complained in a letter to Senator Atchison, "with being made the unwilling receptacle of the filth, scum and offscourings of the East . . . to preach abolition and dig underground Railroads."

In fact, most emigrants did not go to Kansas to preach anything, much less to dig. As likely to be antiblack as they were antislavery, they went for land, not a cause. Likewise, most proslavery settlers had neither slaves nor the prospect of having any. Yet these distinctions didn't much matter. Kansas became part of the larger American drama, and the few thousand settlers who made their home in the territory found themselves surrogates, reluctant or not, of the inexorable issues that threatened the Union. "Kansas," says Forgie, "much like Korea or Berlin in the Cold War, readily took form as the arena in which a battle was being waged for much larger stakes. Which section's institutions would shape the future of the continent?"

**W**HAT HAPPENED in Kansas has been called a bushwhackers' war, and it began with a bushwhacked election. Defending themselves against what they saw as Yankee fanatics and slave stealers, thousands of Missourians, led by Senator Atchison himself, crossed the border into Kansas in March 1855 to elect, illegally, a proslavery territorial legislature. "There are eleven hundred coming over from Platte County to vote," Atchison shouted at one point, "and if that ain't enough we can send five thousand—enough to kill every God-damned abolition-

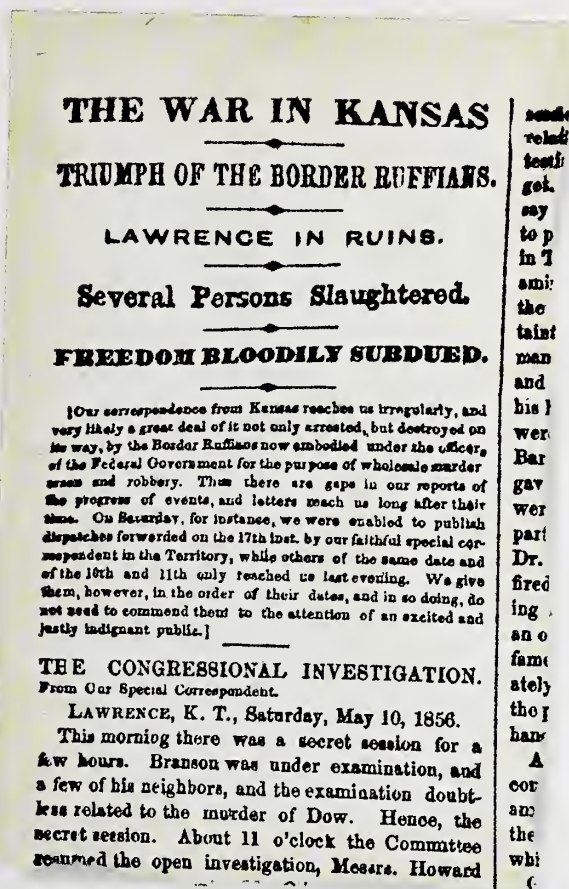
ist in the territory!" When the new legislature promptly expelled its few antislavery members, the disenfranchised Free-Soilers set up their own shadow government.

The territory was soon awash with secret societies and informal militias, formed ostensibly for self-defense, but capable of deadly mischief on both sides. Kansas was a powder keg awaiting a match, and it found one in the shooting of Douglas County sheriff Samuel Jones, an unrestrained proslavery man, by an unknown assailant, as he sat in his tent outside the Free-Soil stronghold of Lawrence. Soon afterward, the Douglas County grand jury, instructed by a judge angered by what he regarded as Free-Soilers' treasonous resistance to the territorial government, returned seditious indictments against the Free-

Soil "governor," Charles Robinson, two Lawrence newspapers and the town's Free State Hotel, supposedly being used as a fortress. Soon a posse descended on Lawrence, led by a federal marshal who made several arrests before dismissing the troops. It was then that Sheriff Jones, recovered from his wound (but not, in the view of historian Allan Nevins, from being "a vindictive, blundering fool"), took over the posse, which looted the town, wrecked the newspapers' presses, set fire to Robinson's house and burned the hotel after failing to destroy it with cannon fire.

It was a bad day for Lawrence, but a better one for the nation's antislavery press, which made the sack of Lawrence, as it was called, sound like the reduction of Carthage. "Lawrence in Ruins," announced Horace Greeley's New York *Tribune*. "Several Persons Slaughtered—Freedom Bloodily Subdued." (In fact, the only fatality in Lawrence was a slave-stater struck by falling masonry.)

As exaggerated as the "sack" may have been, in the climate of the day it was bound to have consequences. John Brown quickly set them in motion. He had been on his way to help defend Lawrence with a group called the Pottawatomie Rifles when he learned he was too late and turned his attention to the unfortunate Doyles and their neighbors. (Three years later, on October 16, 1859, Brown and his followers would stage a bloody attack on a federal armory in Harpers Ferry, Virginia. Cornered by U.S. Marines under the command of Col. Robert E. Lee, a wounded Brown would be taken prisoner, convicted and hanged.)



Despite the New York *Tribune's* headlines, the so-called sack of Lawrence, Kansas, on May 21, 1856, by pro-slavery forces, resulted in the death of only one individual.



**R**EACTION IN KANSAS to Brown's Pottawatomie killing spree was swift. Proslavery settlers were furious, fearful and primed for revenge, and many Free-Soilers were horrified—as well they might have been, since the incident was followed by an outbreak of shootings, burnings and general mayhem. Yet the larger Eastern audience hardly knew what had happened. Like the sack of Lawrence, the Pottawatomie murders were transformed in the telling. Either they hadn't happened at all, had been committed by Indians or had occurred in the heat of battle. In the great propaganda war being waged in the Northern press, slave-state Kansans were invariably cast as the villains, and it was a role they were not to escape.

Sometimes they seemed not to be trying, as when the tainted proslavery legislature made even questioning the right to hold slaves in Kansas a felony and made aiding a fugitive slave a capital offense. Neither law was enforced, but that was probably not the point. Unable to match the flood of Free-Soil emigrants pouring in from the Ohio Valley and elsewhere, slave-staters seemed more determined than ever to make the territory inhospitable to those opposed to slavery.

And they did not lack for allies. "The admission of Kansas into the Union as a slave state is now a point of honor with the South," wrote South Carolina congressman Preston Brooks in March 1856. "It is my deliberate conviction that the fate of the South is to be decided with the Kansas issue." Thus freighted with national consequence, resolution of the Kansas question would hardly be left to Kansans alone. Under the circumstances, it seems unsurprising that presidents Franklin Pierce and James Buchanan, Northern men of pronounced Southern sympathies, both endorsed the legitimacy of the illegitimate legislature over the objections of a succession of territorial governors.

Among them was Robert J. Walker, a former Treasury secretary and a Douglas ally. Meeting with President Buchanan before leaving Washington in the spring of 1857, he spelled out his understanding, with which Buchanan agreed, that Kansas would be admitted to statehood only after residents were able to vote freely and fairly on a state constitution.

It sounded simple enough. But the difficulty of its execution was made clear when, at a welcoming banquet in Kansas, the diminutive Walker was upbraided by one of his proslavery hosts: "And do you come here to rule us? You, a miserable pigmy like you? . . . Walker, we have unmade governors before; and by God, I tell you, sir, we can unmake them again!" Certainly they were ready to try. After Free-Soilers refused to participate in what they believed, with reason, would be a rigged election for constitutional convention delegates, the proslavery convention, meeting in the town of Lecompton, made a crucial decision.

Rather than being allowed to vote up or down on a proposed constitution, Kansans would be given a choice between a constitution with slavery and a constitution without it. But the constitution without it contained a clause allowing slaveholders already in the territory to retain not only their slaves but the slaves' offspring. Free-Soilers, naturally,

saw their choice as being not between slavery and its absence, but between a little bit of slavery and a lot of it—or, as one Kansan put it, between taking arsenic with bread and butter and taking it straight. When the options were put to a vote, Free-Soilers once again declined to take part.

By this time, the battle had been joined in Washington. Over the objections of Governor Walker, Buchanan had decided to accept the verdict of the Lecompton convention and the inevitable approval of its slave-state constitution. The president's decision led him to an angry confrontation with Douglas, who saw it as a betrayal of the very popular sovereignty on which the senator had staked his career.

Now, as always, Douglas saw himself as the defender of the sane middle ground, where the Union might be saved from extremists. But when the House of Representatives, at Douglas' urging, refused to accept the slave-state constitution submitted by Kansas, Southerners who had supported Douglas' notion of popular sovereignty when it suited their purposes now abandoned both it and Douglas. And Buchanan, who had boldly proclaimed Kansas "as much a slave state as Georgia or South Carolina," became Douglas' implacable enemy. The South had elected Buchanan, and he was desperately afraid of secession; he couldn't bring himself to back down on Lecompton.

Yet neither could Douglas. Whatever a compromise might have gained him in the South would have been lost in the North and the West, where the Democrats were already in disarray. And though Douglas had made his reputation as a canny politician, he was also, at bottom, a patriot. He believed a national Democratic Party was needed to hold the Union together, and he believed he was needed to lead it. Douglas had never been a man of moderate habits, and his health in recent years had been suspect. But when, in 1860, he was at last nominated for the presidency, and found the party irretrievably damaged—Southern Democrats promptly chose a candidate of their own, John C. Breckinridge, to oppose him—he turned his remaining energy into a campaign that was as much for the Union as it was for himself. Meanwhile, Abraham Lincoln had been nominated as the presidential candidate of the new Republican Party, created in 1854 to oppose the spread of slavery.

In October, accepting the inevitability of Lincoln's election, and knowing that secession was no idle threat, Douglas courageously decided on a final tour of the South, hoping to rally sentiment to keep the nation whole. But though his reception was generally civil, the time for persuasion had passed. As if a symbol of the failure of his mission, the deck of an Alabama riverboat on which he and his wife were traveling collapsed, injuring them both and forcing Douglas to continue with the aid of a crutch. He received news of his defeat in Mobile, realized it augured a country divided and likely a war, and retired to his hotel "more hopeless," reported his secretary, "than I had ever before seen him." The following June, exhausted in body and spirit, Douglas died at age 48, just seven weeks after the fall of Fort Sumter in the opening salvo of the Civil War. ○





## Mr. Lincoln's First Senate Bid



U.S. Capitol 1846

In the spring of 1854 U.S. Senator Stephen Douglas of Illinois maneuvered the Kansas-Nebraska Act through Congress. Never has an Act caused so much controversy. In the fall elections of 1854 candidates for elected office ran as being "for" or "against" the Kansas-Nebraska Act. The old "Whig" and "Democratic" party lines were blurred. Those "for" it claimed it was the democratic thing to do-to allow those moving out onto the Great Plains to decide for themselves whether they would have slavery or not. Those "against" said the Kansas-Nebraska Act went against the Founding Fathers intentions. They argued that the Founding Fathers had intended for slavery to eventually disappear and the Missouri Compromise [which the Kansas-Nebraska Act had overthrown] was just one in a series of steps taken by the Founding Fathers to phase out slavery.

### Lincoln the Politician



William Herndon

In Illinois, candidates for the State legislature in 1854 ran under several party banners including Democrat, Whig, Republican, and Free Soilers. Abraham Lincoln ran for the State legislature as a Whig. At the conclusion of the November elections no one party had a majority in the legislature, but those "against" the Kansas-Nebraska Act believed they had a majority of thirteen [they were commonly called "Anti-Nebraskans"]. The problem would be for the "Anti-Nebraskans" to unite for one U. S. Senate candidate (Thomas 153-154).

There were several individuals who wanted to be the "Anti-Nebraska" U. S. Senator from Illinois. One was Abraham Lincoln who resigned his legislative seat to be eligible - oddly enough the special election to replace him elected a "Pro Kansas-Nebraska" man. Three days after the November election he was writing individual legislators, influential newspaper editors, and political friends (Findley 223-225). Lincoln wrote to a former client "You used to express a good deal of partiality for me; and if you are still so, now is the time. Some friends here are really for me, for the U. S. Senate." To a friend Lincoln wrote "I have really got it in my head to try to be United States Senator." (Collected Works V. II 286-290).

Lincoln was so diligent in seeking support during this period that his law partner, William Herndon said Lincoln slept "with one eye open." Judge David Davis, a long time friend of Lincoln, and John A. Logan, a strong "anti-Nebraska Democrat," threw their support behind Lincoln and worked diligently to convince legislators to vote for Lincoln. Long time Lincoln friends and associates Ward Hill Lamon and Leonard Swett were also buttonholing uncommitted legislators. And of course William Herndon, who had great influence among the abolitionists, was working to influence those abolitionists who felt Lincoln was not as strongly anti-slavery as they would like. (Donald 179-183).

Lincoln knew that to gain the Senate seat would be a difficult task. The "Anti-Nebraska" majority was slim. In February of 1855 the "Anti-Nebraska" caucus chose Abraham Lincoln as its candidate. He and his wife Mary plotted strategy in their back parlor, filling several tiny notebooks with the name and the anticipated partisan position of each legislator (Baker 149). As the day of the vote approached Lincoln felt confident of 47 votes. Because one legislator was absent, it would take 50 votes to gain the Senate seat (Donald 179-183).



## For the good of the cause



Senator Trumbull

The Democratic Party caucus chose the Senate incumbent James Shields, a pro Kansas-Nebraska Democrat, as its candidate. Shields was a strong ally of Stephen Douglas and had once challenged Lincoln to a duel in 1842 (Baker 149).

Five Democrats refused to join either the Democratic caucus or the "Anti-Nebraska" caucus. They hoped to hold the balance of power. They wanted Lyman Trumbull, an "Anti-Nebraska" Democrat, to be the U. S. Senator from Illinois (Roske 23-25). Trumbull, a life-long Democrat, was the husband of Julia Jayne, one of Mary Lincoln's closest friends and the bridesmaid at the Lincoln wedding (Baker 149).

On the first ballot Lincoln had 44 votes, Shields 41, and Trumbull 5. The other nine votes were spread over several candidates. The balloting continued on through several other ballots with no one gaining a majority. On the seventh ballot the Democrats switched their votes from Shields to Governor Joel A. Matteson, who had taken no position on the Kansas-Nebraska question, but who had led some to believe he was an "Anti-Nebraskan." On the eighth and ninth ballots Lincoln had 15 votes, Trumbull 35, and Matteson 47.

Lincoln knew Matteson was not an "Anti-Nebraskan" and to ensure a victory for the "Anti-Nebraskans" he told his supporters to vote for Trumbull. Some were not anxious

to do so, but Lincoln wanted an "anti-Nebraska" man to be elected so he told his supporters, "I'm for Trumbull" (Donald 184). On the tenth ballot "Anti-Nebraskan" Lyman Trumbull received enough votes to be chosen the U. S. Senator from Illinois (Thomas 153-155).

Lincoln could have won the Senate seat if the five "Anti-Nebraskan" Democrats would have voted for him, but they refused to. One, John A. Palmer later nominated Lincoln for the Vice Presidency at the 1856 Republican Convention and later became a leading Union General. Another, Norman Judd nominated Lincoln for the Presidency at the 1860 Republican Convention.

Later the "Anti-Nebraska" Democrats pledged to support Lincoln in the next Senate race. (Donald 183-185). By the time that 1858 Senate race came around all the various "Anti-Nebraska" elements had been combined into the Republican Party.

There were some hard feelings. Logan was furious at Lincoln's defeat. Judge Davis distrusted Trumbull and Judd, "as life long Democrats," but did manage to overcome his distrust to work with Judd to secure Lincoln the 1860 Republican Presidential nomination (Donald 185). Mary Lincoln became estranged from Julia Jayne Trumbull and never spoke to her again (Baker 149-150).

## Political Science 101

Today states hold popular elections to choose their U. S. Senators. But it has not always been that way. Prior to 1914 U. S. Senators were chosen by each state's legislature.

Prior to direct election of U. S. Senators, state legislatures used various methods to choose their U. S. Senators. In some states it was common practice for each party in a state legislature to hold a caucus before the state legislature met in its new session. Members of both houses of the legislature

belonging to the same party went to the party caucus. At the caucus the party would choose its candidate for the U. S. Senate seat. Therefore, the party holding a majority of the seats in a state legislature chose the U.S. Senators for the state. However, it was never quite so simple. Often there were third parties or a party caucus might not be able to settle on just one candidate and therefore three or more candidates would emerge. So often there was a lot of political maneuvering that took place to choose the U. S. Senator from a state.

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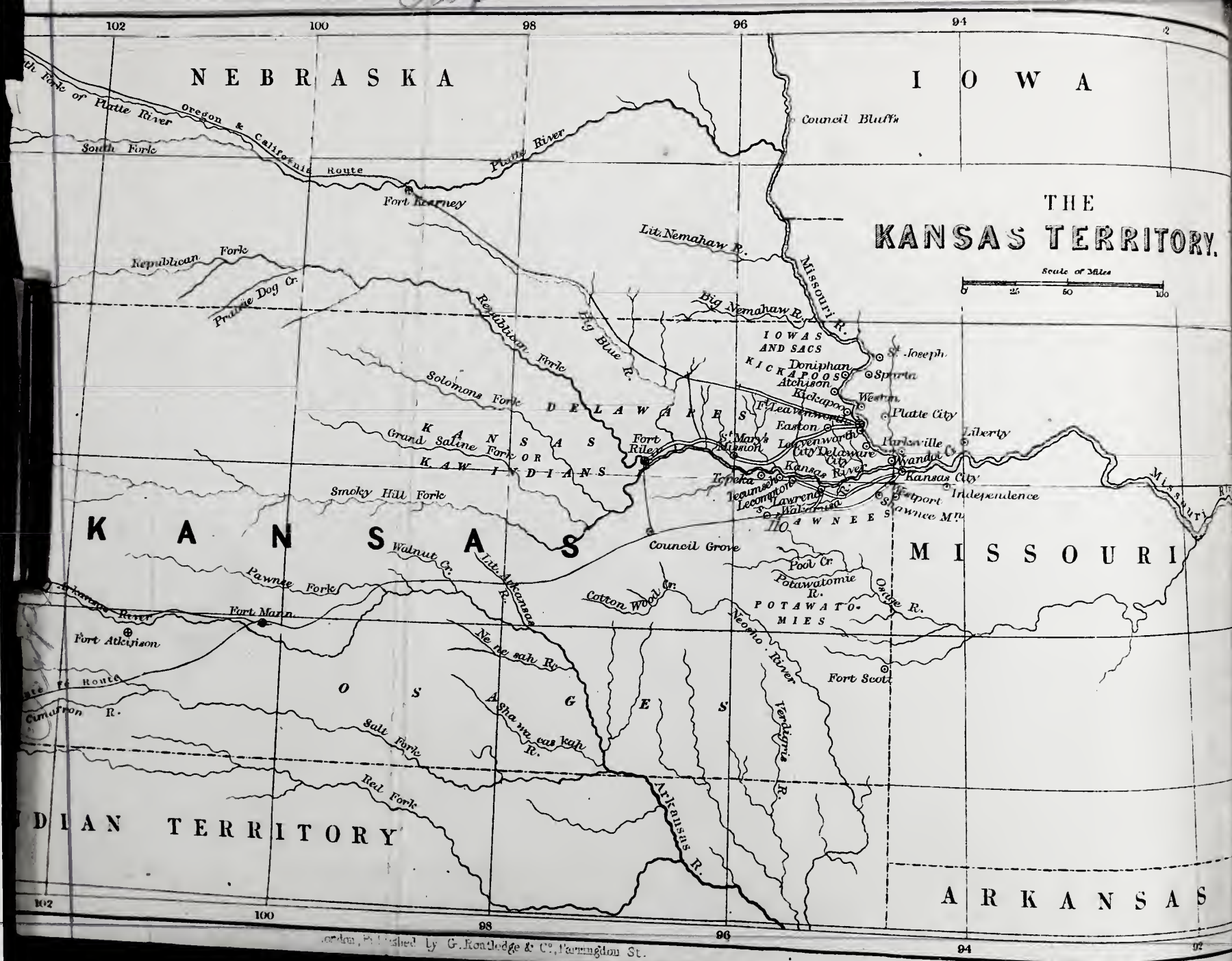
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